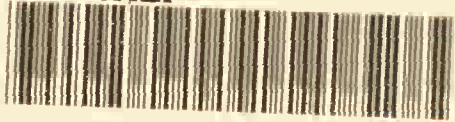


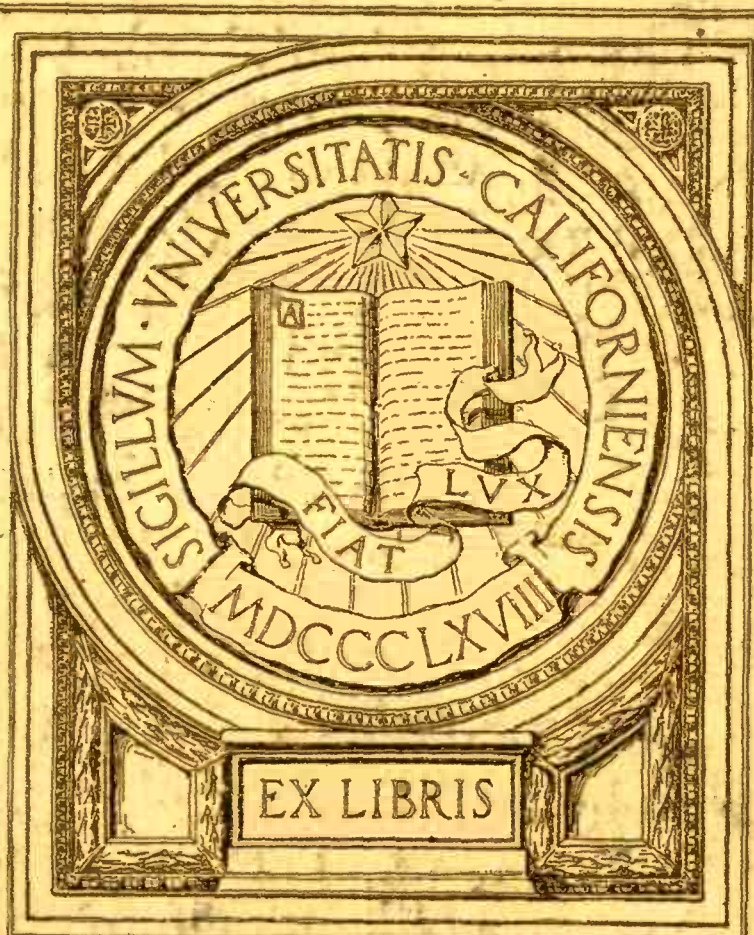
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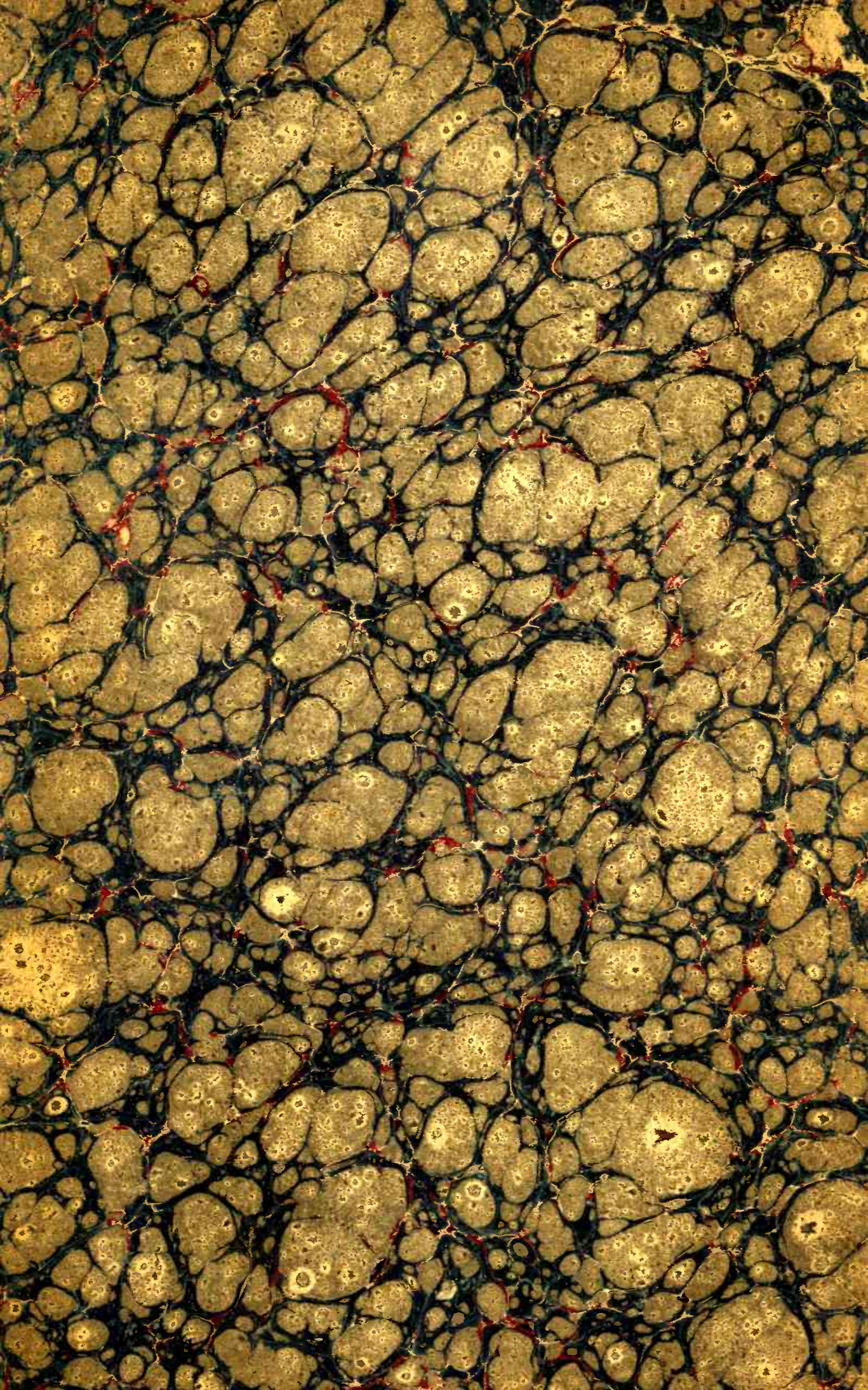
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Compliments of

J. H. Wallis







# TESTIMONY

Taken before the Board of Trustees of the California State Library.

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IN THE MATTER OF THE

Charges preferred by Trustee J. J. OWEN against  
TALBOT H. WALLIS, State Librarian.

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S. SOLON HOLL, - - - - - *for Prosecution.*

ADD. C. HINKSON, J. C. BALL, GROVE L. JOHNSON, and J. S. WALLIS,  
*for Defense.*

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WINFIELD J. DAVIS, *Official Reporter.*



SACRAMENTO:

STATE OFFICE, . . . . . JAMES J. AYERS, SUPT. STATE PRINTING.

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## TESTIMONY.

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The Board of Trustees of the California State Library met at the private office of the State Librarian, in the State Capitol building, on Monday, August 13, 1883, for the purpose of investigating certain charges which had been preferred by Trustee J. J. Owen against Talbot H. Wallis, State Librarian.

There were present—Trustees A. C. Freeman, Henry Edgerton, I. S. Belcher, J. J. Owen, and Matt. F. Johnson.

The minutes of the meeting of the Board held on July 26, 1883, were read by the Secretary pro tem., C. E. Gunn, corrected in certain particulars, and approved as so corrected.

On motion of Trustee Edgerton, S. Solon Holl was permitted to appear as counsel in the prosecution of the charges, he having requested the Board to permit him to appear in that capacity, as counsel for Miss M. A. Patton.

The Secretary read the charges, when Mr. Johnson, of counsel for the defendant, asked leave to file a paper on behalf of the defendant, and permission being given, the paper was read to the Board and placed on file.

On motion of Mr. Edgerton, Judge Holl was given leave to prepare and serve upon Mr. Wallis, or his counsel, amended charges, within five days from this date, and Mr. Wallis was given leave to answer the same within five days after such service, and the further hearing of these charges was continued until Tuesday, September 4, 1883, at one o'clock P. M.

Mr. Owen moved that the Board request the attendance upon the fourth day of September, 1883, of the following witnesses for the prosecution: R. O. Cravens, Hon. B. D. Murphy, S. P. Maslin, R. M. Clarken, E. K. Dunlap, and Mr. Metcalf, and of such other persons as may be invited by counsel in this matter five days before said fourth day of September, 1883.

On motion of Mr. Edgerton, Winfield J. Davis was requested to act as Official Reporter of the Board in all of the proceedings in connection with the charges against Mr. Wallis.

On motion, the Secretary was directed to furnish counsel on both sides with a certified copy of the charges preferred by Trustee Owen, and now on file.

The Board then adjourned until September 4, 1883.

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The Board of Trustees of the California State Library again met in the State Capitol building, on Tuesday, September 4, 1883, at one



o'clock P. M. All of the members of the Board were present except Trustee Belcher, and it was agreed by counsel on both sides that the transcript of the testimony, as furnished by the Official Reporter, should be submitted to Judge Belcher, and that his vote should be cast in the final determination of the questions to be passed upon by the Board in connection with this investigation.

Mr. Owen moved to strike out the entire second subdivision of the answer of the defendant to the amended charges, and the motion was carried—Trustees Edgerton, Owen, and Johnson voting in the affirmative, and Trustee Freeman voting in the negative.

The Board then proceeded to hear testimony.

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## AMENDED CHARGES.

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*To the Board of Trustees of the State Library of the State of California:*

GENTLEMEN: I hereby charge that Talbot H. Wallis is not a fit or proper person to hold the high and responsible position of Librarian of the State Library, and I therefore ask that this Board remove him from that position, for the following reasons:

*First*—Said Talbot H. Wallis is so deficient in education, a knowledge of the English language, and general information, that he is incompetent to properly discharge the duties pertaining to his office of Librarian.

*Second*—That, taking advantage of his official position, he is guilty of grave public offenses, committed by him while holding said office of Librarian, in this, to wit:

(a) That about the twenty-first day of January, 1883, a letter was received through Wells, Fargo & Co.'s Express, at the library, inclosed in an envelope, and bearing a United States postage stamp, and the stamp of Wells, Fargo & Co., addressed to Hon. R. O. Cravens, the former Librarian. This letter was placed into the possession of said Talbot H. Wallis, and was by said Wallis willfully and intentionally destroyed, without the knowledge or consent of said Cravens.

(b) That on or about the twenty-fourth day of February, 1883, a letter inclosed in an envelope, bearing a United States postage stamp, and addressed to Miss M. A. Patton, one of the Deputy Librarians, was received at the library in due course of mail. This letter came into the hands of Talbot H. Wallis, as such Librarian, and was by him willfully and unlawfully opened and read without the knowledge or consent of said Miss Patton.

(c) That on or about the second day of April, 1883, a letter inclosed in an envelope, bearing a United States postage stamp, and the stamp of Wells, Fargo & Co., addressed to Miss M. A. Patton, one of



the deputies of the library, was received at the library. This letter was delivered to Talbot H. Wallis, the said Librarian, and by him retained twenty-four hours, and unlawfully and willfully opened and read without the knowledge or consent of said Miss Patton.

*Third*—That said Talbot H. Wallis, as such Librarian, has encouraged and permitted to be used, and used himself, a portion of said library as a general resort for dispensing and drinking intoxicating liquor and smoking tobacco. That during the recent session of the Legislature said Wallis kept in a portion of the library large quantities of intoxicating liquors, having for that purpose as many as three demijohns, one of them holding three or four gallons. These demijohns were kept exposed to full view in that part of the library, and were frequently emptied and refilled, and when refilled the larger one was sometimes brought into the library through the main entrance. That part of the library where the liquor was kept became and was for a long time a general resort for persons who chose to drink liquor or to smoke; and frequently, almost every hour during the day, men were gathered around these demijohns drinking and smoking; not infrequently as many as eight and ten at a time were there.

*Fourth*—That, contrary to the rules of this Board, said Talbot H. Wallis frequently, while in said library, indulges in loud, boisterous, and unbecoming language.

*Fifth*—That owing to his defective education and limited culture, his want of proper dignity, his lack of information concerning matters pertaining to the library, his deportment, and general incompetency, is so conspicuous that it draws upon him the severest criticisms and unfavorable comments of educated strangers and others who visit the library for amusement or information, and reflects discredit on the State of California.

*Sixth*—That said Talbot H. Wallis is generally untruthful, and is guilty of using language in the library, concerning his assistants, which is slanderous, indecent, most reprehensible, and untrue, and especially is this so in reference to his late assistant, Miss Patton.

All of which is respectfully submitted.

J. J. OWEN,  
Trustee of the State Library.

The within amended charges were served upon us this eighteenth day of August, 1883.

ADD. C. HINKSON,  
G. L. JOHNSON, and  
J. C. BALL,  
Attorneys for T. H. Wallis.



## ANSWER TO AMENDED CHARGES.

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*State of California. Before the Board of Trustees of the State Library. In the matter of the charges preferred by Trustee J. J. Owen against Talbot H. Wallis, State Librarian:*

Now comes the defendant, the said Talbot H. Wallis, State Librarian, and says:

*First*—That the said charges are subject to demurrer, because—

(a) This honorable Board has no official power to investigate said charges, or any of them.

(b) Neither all nor any of said charges state facts sufficient to constitute an offense against any of the rules or regulations of said Board, or against any of the laws of the land.

(c) Said charges are ambiguous, unintelligible, and uncertain, in this: That it cannot be told therefrom what rules of said Board of Trustees have been violated, or what provision of law has been violated, or what code of morals has been violated; and further, that the specifications do not give the time, or the place, or the circumstances of the alleged offenses charged against defendant with sufficient particularity to enable the defendant properly to answer or properly to prepare for trial.

But the defendant does not desire to avail himself of any technical defense herein, and he calls attention particularly to these matters, at the same time waiving hereby any formal or technical objection to said charges.

And for answer to the said charges and specifications, the defendant—

### I.

Pleads not guilty to each and all and every one of said charges and specifications.

### II.

[The second subdivision of this amended answer was stricken out by the Board of Trustees.—Reporter.]

And further answering said charges and specifications, the defendant avers that the said charges are not brought in good faith by said Trustee J. J. Owen; that said Trustee is not the real author of them; and that he brings them to gratify his personal feelings of malice and spite towards this defendant; and also to gratify the hatred and malicious feelings of one Miss M. A. Patton towards this defendant. The defendant avers that the said Miss M. A. Patton was a deputy of this defendant, and was by him, on or about the thirty-first day of July, 1883, removed for good cause; that the said Miss Patton owed her original appointment as said deputy to said Trustee Owen, and claimed to have great and almost exclusive control over the said



Owen; that the said Owen notified defendant that if he discharged said Miss Patton from her said position as deputy under defendant, he, said Owen, would prefer charges against defendant, and would cause them to be published in the newspapers, and would thus politically ruin this defendant forever; that the said Owen and the said Miss Patton entered into a conspiracy during the months of September and October, 1882, to oust this defendant from his position of State Librarian, and in furtherance thereof made various attacks upon this defendant, which attacks and conspiracy have finally culminated in the presentation of these charges.

Dated SACRAMENTO, CAL., August 23, 1883.

ADD. C. HINKSON,  
J. C. BALL,  
GROVE L. JOHNSON,  
Attorneys for Defendant.

[Filed August 23, 1883.]

#### TESTIMONY OF E. K. DUNLAP.

Called and sworn on behalf of the prosecution.

Mr. HOLL—What is your name? Answer—Dunlap, E. K.

Q. E. K. Dunlap? A. Yes.

Q. Where do you reside? A. At the City of San José.

Q. Were you in the City of Sacramento during the time when the Republican State Convention was held last year? A. Yes.

Q. Were you at the State House at that time? A. Yes.

Q. What portion of it? A. Many portions of it, sir.

Q. Principally in what portion? A. Principally in the chamber in which the Convention met and in the hallway outside; principally in the hallway.

Q. That leads from the rotunda to the Assembly Chamber? A. Yes, if it was the Assembly Chamber in which the Convention met, and I think it was.

Q. Yes, it was the Assembly Chamber in which the Convention met? A. Yes.

Q. Do you know Mr. Wallis? A. Not personally.

Q. Do you know him by sight? A. Yes.

#### *Drinking in the Library.*

Q. What, if anything, did occur that attracted your attention in the room that is next to the rotunda, where the door goes in next to the rotunda after you start towards the Assembly Chamber on your right hand?

Mr. JOHNSON objected to the question, as being irrelevant, immaterial, incompetent, not responsive to any of the issues in the case, and because counsel for the prosecution has stated in the presence of this Board that it is not included in any of the charges or specifications.



Mr. HOLL—I did not talk to this witness before I drew the charges. There are charges as to the use of a portion of this library for a drinking saloon, and the charges refer to the time when the last Legislature was in session. I have ascertained that during the session of the Republican Convention the same thing occurred and the same room was made a drinking saloon.

Mr. JOHNSON—If the reporter will take down the statement that this is the only additional charge he proposes to make, we will withdraw the objections, if the Board desires to hear it.

Mr. HOLL—Then, Mr. Dunlap, go on? A. I cannot give the date; it was about a year ago.

Q. Will you please answer the question now? A. You wish me, as I understand you, to make a statement bearing on the matter you have just explained?

Q. Yes; anything with reference to the place being made a drinking place? A. Well, as to its being made a drinking place, I am perhaps not qualified to say, but I can say this: that during that Convention I would see persons enter the private office of the Librarian, and I did see them drinking there.

Q. State to what extent that thing was carried on; as to how frequently persons would go there? A. I was there during the entire Convention and I noticed it several times—a number of times.

Q. Give this Board some idea as to the number of persons that went in there and the number of times persons went in there during the two days you were in attendance? A. I could not do that.

Q. Approximate it as near as you can. Was it once or twice during a day or frequently? A. It was several times during a day.

Q. How many times? Once, twice, thrice, or how many? A. It was enough to attract my attention to the fact.

Q. The fact of what? A. That persons were drinking there.

Q. That that was made a place for drinking purposes?

Mr. HINKSON—He did not state that.

A. It was sufficiently often to attract my attention to the fact that it was done there.

Mr. HOLL—That drinking is done there? A. Yes.

Q. Give the Board some idea, because once might possibly attract your attention? A. No, not once; once would not have attracted my attention particularly.

Q. Give this Board the best opinion you can as to the extent that that place was used during that time for drinking purposes? A. The best opinion I could give you would be to say, several times—a number of times; a sufficient number of times to attract my attention to the fact.

Q. On one day? A. On every day; I think I was here three or four days; at least three days.

Q. What number of persons would you see go in there at a time? A. I think they went in one at a time; I do not think I ever saw more than that; I think what I noticed at all the times was one person entering with the Librarian, with Mr. Wallis; that some one person would enter with the Librarian. I do not think I saw two persons go in—or three.



Q. Through the door of his private office? A. Yes.

Q. And when they entered, what did they do? A. When they entered there was some receptacle on the right hand side of the doorway; what it is I do not know, never having been in that portion of the library. I saw Mr. Wallis take a bottle and glass; what the bottle contained I do not know.

Q. What did he do with it? A. He poured some liquid from the bottle and they imbibed.

Q. You say that was done to an extent sufficient to attract your attention? A. Yes; it did attract my attention at that time.

Q. And that was kept up during the time the Convention was in session? A. You mean constantly? I do not know.

Q. As you have explained it? A. Yes; a number of times.

*Cross-examination.*

Mr. JOHNSON—What business were you up on—the same as the balance of us? A. I presume, sir, I belonged to the lobby.

Q. You were just up here attending the Convention and taking an interest in political matters? A. Yes.

Q. Your attention was attracted to this just the same as it might have been attracted to anything else that occurred around the State Capitol? A. Yes; my attention would have been attracted by anything that interested me in particular.

Q. You did not pay any more attention to this than anything else? A. Yes; I did pay more attention to it than anything else, because many things I did not pay any attention to. I paid enough attention to it to observe it and to remember it.

Q. And to talk about it? A. No; not to talk about it.

Q. You never have spoken about it? A. I presume I must have been indiscreet enough to have spoken of it to some person or else I would not be here.

Q. You were interested in the result of the Convention? A. Yes; very much.

Q. You were not here in the building all the time? A. Yes; all the time from morning till night.

Q. With no time for meals? A. When I could get them.

Q. Sacramento is a poor place for meals? A. I lived through it.

Q. Do you know whether Mr. Wallis was interested in that Convention? A. I do not; I do not think I could swear that I know he was interested in the Convention. He probably was in some way—in the same way that I was interested in it, I presume.

Q. You had a candidate that you wanted to see nominated? A. Several of them.

Q. Did you treat anybody that you were talking to during that time? A. I expect I did, sir.

Q. More than once? A. It is quite possible.

Q. Several times? A. I expect a number of times.

Q. Enough to attract the attention of outsiders? A. I do not know. It would have done it if I had taken them into the State Library.



Q. It would not have done so on the outside? A. No; had I noticed it anywhere else it would not have attracted my attention.

Q. Did you go into the room? A. No; I never was in that room in my life.

Q. Was the door shut any of the time? A. Yes; I saw people go in frequently when the door was shut. What took place then I do not pretend to say.

Q. Where did they go in; from the hallway or the library? A. I noticed them particularly from the hallway. I was located in the hallway for the purpose of being found at any time when I would be wanted. That is where I could be found, and it was understood that I could be found there.

Q. You were there for that purpose? A. Yes.

Q. You came up here to attend the Convention on business and not purely on pleasure? A. Exactly.

Q. Your point of observation and labor was in the hallway, near the hall in which the Convention met? A. Yes; where I could be found any time.

Q. As a matter of fact, do you not know that you and Mr. Wallis were upon opposing sides in that Convention? A. On the contrary I do not know it, sir. Which Mr. Wallis do you refer to?

Q. Talbot H. A. I do not know it emphatically. I understood to the contrary. I know my friend, the Judge (J. S. Wallis), and I were upon opposite sides in that controversy, but I do not know that Talbot and I were. I understood exactly the contrary.

#### TESTIMONY OF HATTIE R. KELSEY.

Called and sworn on behalf of the prosecution.

Mr. HOLL—Where do you reside? Answer—In San Francisco.

Q. Have you ever been employed in the State Library? A. You cannot really call it employed. Miss Patton was away and I took her place for a couple of weeks as her friend.

Q. About what time was that? A. The first two weeks in February.

Q. Of what year? A. Eighteen hundred and eighty-three.

Q. Had you been in the library before that time? A. Yes; the first week in January I spent, I think, four days here as Miss Patton's guest. I then went to the country and on my return spent, I think, four days more as her guest. She was not well and I assisted her slightly. At the end of that time she was obliged to give up her duties for a short time and I took her place about two weeks.

Q. And that time that you was there was in the first two weeks in February of this year? A. Yes; I think it was not quite two weeks, but nearly that time.

Q. You, of course, know Mr. Wallis? A. Yes; I met him the first week in January.



*Drinking and Smoking in the Library.*

Q. When you first came there as the guest of Miss Patton, did you observe that considerable quantities of liquor were consumed in the library building?

Objected to as leading, and question withdrawn.

Q. State, Miss Kelsey, if, during the time when you were first there as the guest of Miss Patten, you discovered anything in reference to the use of liquor in any portion of the library? A. I saw nothing except a bottle of fluid which I supposed to be liquor, and I saw one or two of the State officers go in there one evening and help themselves. I do not remember of Mr. Wallis drinking at that time. I know it did not attract my attention particularly, and I probably would not have noticed it if it was not for the fact of one of the State officers drinking, and I noticed that if it was strong whisky he must have been accustomed to it to drink a glass full down with so perfect ease. That is the way I came to remember it.

Mr. EDGERTON—He was a Democrat? A. No; I am sorry to say he was not.

Mr. HOLL—What portion of the library did you see this feat of the State officer performed in? A. In Mr. Wallis' private office.

Q. What is that office used for; who else occupies it or uses it? A. I suppose it is for the Librarian's private use. However, the deputies have free access to it, as I understood.

Q. How was it used when you were there, at this time and afterwards? A. At that time it was used as Mr. Wallis' private office; the Legislature was not in session.

Q. After that, when you come there again, how was it used then, and by whom, and who went in there? A. It seemed to be a general place of resort.

Q. I mean as regards other persons in the library, and ladies? A. We went in there whenever we chose. The washbasin was there and my lunch basket was there, and I went in there very frequently.

Q. Where were your hats and shawls? A. In there, on the hat-rack.

Q. And your lunch basket? A. Yes.

Q. And the washstand? A. Yes.

Q. You went in there and made a convenience of it for that purpose? A. Yes.

Q. After you took the place of Miss Patton afterwards, and remained there two weeks, during that time what, if anything, did you see by the way of the use of liquor in the library? A. The first week of January I spoke of?

Q. What did you see there after you became employed? A. Well, it seemed to me that it increased during the two weeks I was there; it seemed to be a general place—

Mr. BALL—State what it was, and not what it seemed to be? A. It seemed a great many came in there, evidently for the purpose of drinking, during the last few days of my stay there. I saw from one to six at a time of men from the State Legislature when Mr. Wallis was not in the office, even come through the main entrance and go



into his private office, and if I ever had occasion to go in there I saw men drinking, and I rarely went in there without—well I will say rarely during the last week—it was the exception to go into that office and find it free; there were men in there, from one to two, and from eight to ten, drinking.

Mr. HOLL—From one to ten? A. From one to ten; frequently one, and frequently two and upwards.

Q. How frequently would men go in there during the day? A. Very frequently.

Q. Express it in some definite way as near as you can? A. I should say that once an hour during the session of the Legislature would hardly express it; I think as frequently as every half hour, and sometimes there was a constant string, and then again not quite so many; it seems to me it is not over-estimating it to say there was an average in every half hour of from one to twelve men, and perhaps from one to twenty, that would go in there.

Q. Which way would they generally go into that place? A. I saw a great many come in through the main entrance, and I frequently had occasion to go in there when I saw men there that had not come in through the main entrance; they must have come in through the private way.

Q. When they were in there what did they do in the way of disposing of any liquids? A. They drank it.

Q. Was there any tobacco in there? A. There was smoking, yes.

Q. In what condition would you find the room as regards tobacco smoke? A. A great deal of it, usually.

Q. How was the liquor taken in there; in what packages, and in what way? A. I do not know; with one exception I never saw any liquor taken in there; I saw Mr. Brown one day carry a large demijohn, which must have contained three or four gallons, through the door. I noticed it because it was very heavy for him to carry, and I thought they were carrying it in there by the wholesale.

Q. Who is Mr. Brown? A. I do not know whether he is watchman or janitor. He is stationed near the door of the library.

Q. He is some officer that belongs to the library? A. I do not know whether he belongs to the library. He is usually around there.

Q. He is somebody employed in the building? A. Yes.

Q. He is the person who brought in that large demijohn through the main entrance? A. Yes.

Q. Where did he take it to? A. Into the private office.

Q. Into this place or this room where you saw the gentlemen enter frequently? A. Yes.

Q. What packages did you see in that room that are used for conveying liquids? A. I saw a small demijohn. I would not testify positively whether it held a gallon or two gallons. I am not very good at dimensions, but my impression is it was about a two-gallon demijohn. I do not know whether it was kept there always, but I noticed it in front of a cupboard or kind of bookcase in which the bottle was kept from which the whisky was turned into the glass.



Q. How many of these demijohns did you see? A. I remember of but two; the larger demijohn was kept in the vault.

Q. How many did you notice? A. Two.

Q. What would you judge the size of them to be? A. The larger one must have contained at least three gallons, and my impression is four.

Q. And the smaller one? A. I should think the smaller one, as I remember it, must have contained two gallons.

Q. Do you know anything except the one time when this demijohn was carried through the main entrance—as to those demijohns being taken out? A. No.

Q. Or brought in there? A. No.

Q. That is the only time you saw it brought there? A. Yes; that is the only time that I saw it brought there.

Q. How did this drinking in this room continue; when you first went there what was the condition of it—I mean when you went there to stay the two weeks—what were the facts in regard to it then and when you left? A. When I went there it was a matter of frequent occurrence that when I went into the room that end of it where I wanted to go, where the washbasin was, I found crowded and almost impassable.

Q. Did you find it in such a condition that you could not get to the washstand, or was prevented from going there? A. The gentlemen very kindly made way for me when they saw where I wanted to go.

Q. Did it continue so from the first? A. It increased very much. The last week I was there it was very much more frequent than the first week.

Q. Did you see this more or less every day during the two weeks you were there? A. Yes; every day.

#### *Deportment of Librarian.*

Q. You became acquainted with Mr. Wallis during the time you stayed in the library? A. Yes.

Q. You talked with him frequently? A. Yes.

Q. What, so far as your observation and knowledge goes, was his deportment in the library in reference to talking and his conduct when visitors came in, and in a general way, as far as you observed, how did he conduct himself? A. Well, with a great lack of dignity of character.

Q. Explain as near as you can in your own way what you mean by that and what impressions were made upon your mind by his conduct? A. In the first place, loud and noisy talking and rude manners.

Q. Explain to the Board what you mean by rude manners. What was his conduct? A. Well, I think that an acquaintance with Mr. Wallis is necessary to understand exactly what I do mean. Mr. Wallis is not intentionally rude. For instance, if you wish an example, when I was talking with parties in the library I was frequently interrupted by him in a way to attract attention to himself.



I do not know, of course, his motive for doing that, but I would be at my desk attending to my duties and talking to persons and he would come up and interrupt the conversation and try to attract attention to himself. It was commented on frequently by visitors to the library, so that it was not noticeable to myself alone. It was annoying, but I looked upon it as through ignorance on his part and the lack of good breeding.

Q. In what manner was that matter brought to your attention by visitors? A. They expressed surprise that such a man should be in such a position.

Q. Did that occur more than once? A. Very frequently; I recollect three times when it occurred. My impression is that it occurred more frequently, but I can recollect three instances.

Q. Relate some of the instances and state what the circumstances were? A. Well, I was talking with two ladies and a gentleman one day; I think that they were visiting the Legislature; they were friends of one of the Senators, I do not know whom. I did not know the parties, but they were asking me questions in regard to the library, and I was explaining that I was a stranger here; and then Mr. Wallis saw them, and perhaps thought that I would not be able to inform them as he would like to have them informed, and he, in the rudest manner, interrupted my conversation with them, and spoke in very commonplace phrases about the library, and in a manner that made me very much ashamed to be in the position. That expresses my idea. I explained to them that I was there temporarily.

Q. You spoke about his boisterous conduct——

Mr. JOHNSON—She has not said any such thing.

Mr. HOLL—You spoke about loud and noisy talk? A. Yes.

Q. State to the Board what you know about that and to what extent it occurred? A. When any one was around I never heard Mr. Wallis speak in any other way than noisy. When he was talking to me individually he was ordinarily quiet in his conversation; I have heard him talk with others in the same manner, but if people were around he was noisy.

Q. Can you explain that a little more particularly as to why your attention was attracted to his noisy conduct and the manner in which he addressed people; can you give any more definite idea as to what you mean by saying that he was noisy? A. That he spoke rudely and in a manner uncalled for. He had no idea of the proper thing to say at the proper time. He did not know when to keep still and when to talk, and he said very inopportune things for a person in that position.

Q. So much so that persons of culture would notice the deficiency in his education?

Mr. JOHNSON objected to the question, as being leading, irrelevant, and immaterial, and the objection was sustained.

Mr. HOLL—State now, in those conversations, whether he used language that was correct and proper and such as cultivated persons use—such as educated persons use?

Same objection and ruling.



Mr. FREEMAN—The objection is sustained, on the ground that the question is leading, and because it asks the witness to act as the judge and not to detail what occurred.

Mr. HOLL—Did he speak at those times the English language correctly? A. Not according to my understanding.

Mr. JOHNSON moved to strike out the answer, on the ground that the question was immaterial, irrelevant, and leading, and that it called for the opinion of the witness; the proper method being to ask the witness to tell what Mr. Wallis said, and the Board can then judge.

The motion to strike out was granted.

*Incompetency of Librarian.*

Mr. HOLL—Did you learn from your observations and your conversations with Mr. Wallis whether he was acquainted with the library and the books that were contained in the library upon different subjects? A. Well, I have my general impression—

Mr. BALL—Do not give your impressions. A. The fact is that he was not.

Mr. HOLL—Explain that. If you know of any instance where his ignorance was displayed to you in that respect, state the circumstance? A. I will state. I recollect but two instances that I can testify about. On one occasion I asked him in regard to—I am not positive whether this was after I had taken Miss Patton's place or whether it was while I was her guest. I asked him if Professor Agassiz' "Lecture on the Geological Formation of the Valley of the Amazon" was in the library. He did not seem to know anything about it, and referred me to Mr. Gunn. I went to Mr. Gunn, and he went with me and showed me where Professor Agassiz' writings were, and we looked through several volumes and did not succeed in finding it.

Q. At that time did you apply to Mr. Wallis for the information? A. Yes.

Q. And he referred you to Mr. Gunn? A. Yes.

Q. Did he say whether he knew or did not know whether such a work was in the library? A. He said he did not know.

Q. And he referred you to Mr. Gunn for the information? A. Yes.

Q. What other instance? A. The other instance was one day when I was in Miss Patton's place. We were very much crowded. It happened to be a very busy day, and I was busy checking off books and giving out books. A couple of girls came in there, or young ladies—I think the oldest was about sixteen years of age—and they asked for some history of ancient religions, and I mentioned James Freeman Clarke's "Ten Great Religions," and asked if her mother had ever read it. She said she did not want anything heavy. I went immediately to Mr. Wallis and asked if they had something bearing on that subject which was lighter reading but of the same character as James Freeman Clarke's "Ten Great Religions." He did not know anything about it, and told me to go to Mr. Gunn. I



went to Mr. Gunn, and I think Mr. Gunn told me where to look. He suggested something, and I went to the alcove where those books were kept and found a book that I thought would answer the purpose. I do not recollect now just what it was. I looked at it casually.

Q. Did you ever apply to him for any works on any particular subjects, in the library, when he would himself furnish them to you? A. Yes; one work I recollect, because it was not in the library and he knew where it was, and he got it for me. It was outside and he brought it to me. He knew who had it.

### *Correspondence of the Library.*

Q. What do you know as to who conducts the correspondence at the State Library? A. I know while I was there Mr. Gunn conducted the greater part.

Q. How do you know it? A. I know it because I heard in two instances Mr. Wallis refer letters to him. I do not recollect any positive statement that Mr. Gunn made to me in regard to it, but I remember that I said to Mr. Gunn—

Q. From your own observation, just state what you know as to whether or not Mr. Gunn conducts the correspondence of the library?

Mr. JOHNSON objected, because the witness had already answered the question.

The Chairman sustained the objection, but his ruling was reversed by the Board.

A. My observation has been that Mr. Gunn did conduct the correspondence of the library.

Q. Have you had any conversations with Mr. Wallis in reference to the matter, or have you seen any of his conduct in reference to the correspondence from which you know any further fact in regard to it? A. I saw Mr. Gunn writing the letters, and I heard Mr. Wallis tell Mr. Gunn to do it.

### *Untruthfulness of Librarian.*

Q. Miss Kelsey, during your stay in the library, in your conversations with Mr. Wallis did you learn anything about whether he is a man that can be relied upon as truthful?

Objected to and question withdrawn.

Q. What did you learn in reference to his being a man that is truthful, if anything?

Mr. JOHNSON objected, as irrelevant, immaterial, improper, and leading, and as calling for the opinion of the witness, and as being hearsay testimony, and incompetent.

The objection was sustained.

Mr. HOLL—Do you know any facts to show that Mr. Wallis—or showing—that Mr. Wallis is untruthful? A. Yes; I do.

Q. Go on and state? A. I recollect one instance. I remember it because it struck me as exceedingly funny. Mr. Wallis came in one morning, looking very pale and tired. I said "What is the matter,



Mr. Wallis? Are you sick this morning?" No, he said, he was not sick, but he said that he had been sitting up until three o'clock the night before, writing or working. I asked him what he had been doing, and he said he had been getting resolutions ready asking for an appropriation, I think—at any rate it was a paper asking for an appropriation from the Legislature for the State Library. I said "Yes?" He said "Yes;" and he said he could not get time to do it in the daytime. The day before I had seen Mr. Gunn at work at that paper, and I knew that Mr. Gunn had drawn it up, and I heard Mr. Wallis say the afternoon before that the paper was all right. I had seen the paper on Mr. Gunn's desk in his own handwriting, and I knew that he wrote it. I think it but justice to state right here that although that is my opinion, Mr. Chairman, I do not think "untruthful" expresses my idea of Mr. Wallis' mental incapacity to speak the truth—simply covers it. He is not conscious of falsifying half as much as he does. He forgets from one minute to another what he says, and in that way he is totally unreliable.

Q. Did that condition of Mr. Wallis' mind influence you any as an assistant in the library, and if so, to what extent? A. I did not pay any attention to what he said after I had been there a few days, unless it was something that struck me as funny.

Q. Why did you not? A. Because I found that you would hear altogether too much that did not amount to anything, and that I could not credit it; I did not believe it at the time that he said it.

Q. What, if anything, did he ever state to you about his influence or control over the Trustees, that they had to retain him in that position?

Mr. JOHNSON objected, as irrelevant, immaterial, not bearing on any of the issues in this case, and not covered by any of the charges or specifications.

The objection was overruled.

A. I shall have to digress a little here, it seems to me, in order to make myself plainly understood.

Mr. HOLL—Answer as directly as you can? A. I did hear him make a statement in regard to his power to control members of the Board.

Q. State in relation to that and give the time? A. It was when I was taking Miss Patton's place. It was in regard to Mr. Freeman, and it is only justice to young Mr. Freeman to state the way that it came about. When I entered the library as assistant to Miss Patton, or to take her place, I had been there but two or three days before Mr. Wallis commenced to relate different troubles and trials that he had in his position with his deputies. He told me a great deal of the trouble he had had with Mr. Gunn, which he had straightened up; he told me about the trouble he had had with Miss Patton, which he had also straightened up; and at that time he was having some trouble with young Mr. Freeman. I have forgotten the cause of the trouble; I do not know that Mr. Wallis gave me the reason—if he did I did not pay any attention to it. At any rate, Mr. Freeman's duties were neglected. He was Janitor, as I understood it,



and the washbasin was in a filthy condition and the hearth in the private office, and after standing it a few days I scrubbed it up. I got provoked about it, and I said to Mr. Wallis that I should see that Mr. Freeman attended to his duty. He said "yes," he would see in regard to Mr. Freeman, and to just let him alone; he would go after his uncle in a day or two, and then he guessed he would come around all right. He said that two or three times. I said, "Well, you had better look out—Mr. Freeman's uncle is one of the Trustees." He said, "You need not be alarmed about it—I have a string that I can pull on Mr. Freeman every time." Two or three days after that he came to me, and he patted me on the shoulder, and he said, "Don't you worry about Frank Freeman not doing any work—I am going to see his uncle; don't you worry about me—I know my man there; I have a string that I can pull on him any time." It struck me as incongruous. I had met Mr. Freeman, and I knew Mr. Wallis, and I did not believe it. That is all.

Mr. JOHNSON—Did he show you the string? A. No; I did not ask him what it was. He simply made that statement two or three times.

Mr. HOLL—Have you had any conversations with Mr. Gunn in reference to why he conducts the correspondence of the library?

Objected to, and question withdrawn.

Q. Have you had conversations and talk with people who came there to the library, and who were conducted through the library, and who came in contact with Mr. Wallis, who expressed opinions with reference to his efficiency as a Librarian?

Mr. JOHNSON objected to the testimony, as being hearsay, and the objection was sustained.

Mr. HOLL—From your observation, and from your knowledge and conversation with Mr. Wallis during the two weeks that you stopped there, is he in your opinion a fit and proper person to conduct the State Library of this State?

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, not responsive to any issue in this case, and that it is a question for the Board to determine. If it is offered as expert testimony the witness is not shown to be an expert.

The objection was sustained.

*Cross-examination—Untruthfulness of Librarian.*

Mr. HINKSON—Miss Kelsey, when was it that you spoke of Mr. Wallis stating to you that he had been all night engaged in writing a bill or report? A. It was in the morning.

Q. How long since? A. It was in February.

Q. Last February? A. Yes.

Q. During the session of the Legislature? A. Yes.

Q. You say that it was a bill that he was preparing to introduce into the Legislature, with reference to an appropriation? A. Yes; asking for an appropriation from the Legislature of a thousand dollars for the library.

Q. That is one of the instances you give for believing that he is not truthful? A. Yes.



Q. And the reason you say that you think that he is not truthful is because he said to you that he was engaged most of the night preparing a bill? A. Yes.

Q. And that you knew that the bill had been written the day before by Mr. Gunn? A. Yes.

Q. How do you know that he was not engaged in revising that bill and correcting it during the night, during the greater portion of that night? A. I do not think Mr. Wallis could have revised it.

Q. It is simply your opinion that he was not engaged during that night preparing this bill, is it? A. Technically considered, yes.

Q. That is a fact, that it is simply your opinion. You do not know positively that he was not engaged during the greater portion of that night with that work? A. I know it in my own mind.

Q. That is the only way you know it. As a physical fact you do not know it? A. As a physical fact I did not stay in the library until three o'clock in the morning and see him there.

Q. Do you know anything about the amount of work that is required to prepare a small bill sometimes? A. Yes; and that is the reason I think Mr. Wallis did not do it.

Q. You know nothing about the fact, however? A. No.

Q. A man of Mr. Wallis' stupidity—it would take him a long time to prepare a bill of that kind? A. Yes, if he did it at all.

Q. Do not you think that he might be engaged the whole night on a bill of that kind, and not get it right then? A. Yes, I think he might.

Q. Then might not his statement have been truthful? A. It was because I had heard his statement the afternoon before in relation to the bill, or whatever it was.

Q. How do you know it was the same bill? A. I could not swear; it might not have been in Mr. Gunn's handwriting. I simply know that Mr. Gunn handed it to Mr. Wallis, and Mr. Wallis said that it was all right.

Q. Do you know what the instrument was? A. Yes; I saw him take it from the desk.

Q. What was it? A. It was a paper, a resolution—I do not know what you would call it—asking for an appropriation.

Q. Did you read it? A. I read part of it, a portion of it. I saw simply what it was when it was on Mr. Gunn's desk.

Q. Do you remember what the title of the bill was? A. I do not remember how it was headed, no. I did not pay enough attention to it. I simply read enough of it to know that was what it was.

Q. You did not read enough to know what it was? A. I simply read enough to know that that was what it was.

Q. You do not know whether he was engaged in revising or trying to change that bill during that night? A. I did not see him, no.

Q. Then, so far as physical facts are concerned, you might be mistaken as to his misrepresenting that matter to you? A. I did not sit in the library until three o'clock.

The reporter read the question.

A. So far as physical facts are concerned, yes.

Q. What time was it that you left the library, when you were



there acting for Miss Patton? A. I left the Tuesday before the twenty-second of February. I remember that, because I was in San Francisco on Washington's Birthday.

Q. Did you see Mr. Wallis at the time of your departure from the library? A. I left in the morning; I left on the morning train. I did not see Mr. Wallis that morning; I saw him the evening before.

Q. Did Mr. Wallis compensate you for your services at that time? A. No.

Q. Did you ask him for any compensation? A. No.

Q. Did you ask him for any appropriation or any payment? A. No. Mr. Wallis stated to me that he was very sorry. I received a letter from a friend in San Francisco asking me to come there to look after a business matter, and Miss Patton was hardly able to take her place in the library. I said to Mr. Wallis that I had received a business letter, and that I would have to go, as it was business, and I could not afford to give my time longer, or something like that. I do not know just how I expressed it. And then he went on to say how sorry he was that he could not do something for me, that he would like very much to pay me, and that I ought to have it, and ought to have an appropriation. I said I did not ask anything for what I had done, but if I continued to stay I should feel that I must be paid in some way. He said that he could not do anything until Mr. Owen came up. I knew Mr. Owen very slightly, and Mr. Wallis said that he was going to speak to him, and I think he did speak to him. At any rate, Mr. Owen spoke to me in regard to it, and said they were sorry, and thanked me very kindly for what I had done, but I could not receive any compensation without special legislation, I think he said, or an appropriation, and that he did not like to bring that up. It was all right with me; I did it as an accommodation to Miss Patton.

Q. Did not you ask Mr. Wallis to see the Board, and see if they would not make an appropriation for you? A. No, I could not, because it did not occur to me; I was out on a vacation or rest from work at the time.

Q. It might have occurred to you while you were there at work? A. It did not; I never thought of asking for pay; I simply did it as a courtesy to Miss Patton, who is a friend of mine, until I received this letter, and then I stated explicitly that if I remained I must be compensated; I talked that matter over freely with Mr. Gunn; I talked that matter over freely with Mr. Gunn about being rewarded; I think he can substantiate my testimony.

Q. You claim to be a lady of culture, do you not? A. No, I claim nothing.

Q. Your associates are people of culture, are they not, as a rule? A. According to my ideas of culture.

Q. It is offensive to you to be associated with people who are ignorant or uncultivated or uneducated, is it not? A. In one way it is, and in another it is not, if they observe the ordinary rules of etiquette, and are not to blame for what they do.

Q. I mean as companions; it is not agreeable to you to have uned-



ucated people as companions? A. I have never been associated with them as companions, as I know of, for a great length of time.

Q. Did you ever associate with Mr. Wallis during the time you were here? A. I had frequent conversations with him.

Q. Is that the extent of your associations with him; your conversations in the library? A. Yes, I think so; I think he walked home with me two or three times, and we talked on the way.

Q. Did he ever accompany you anywhere else, except to your home? A. I never went out with him anywhere, not to spend an evening.

Q. Did you ever go anywhere with him elsewhere? A. No, I think not. He claimed that I had promised to go to the theater with him one night, but I have forgotten it.

Q. Do you not remember asking him to go to a spiritualistic meeting? A. That was in San Francisco; he was anxious to see—yes, I remember—I know where the people live, but I do not know their names; yes, I do; it was Mr. King. Mr. Wallis was telling me of the wonderful things that Mr. King did as a medium; I, perhaps, ought not to mention the name; he said that it was so wonderful. I had during last Fall in San Francisco seen something rather phenomenal in that respect, and I was investigating the subject, and I thought if there was anything that was so wonderful as Mr. Wallis represented here in Sacramento, I would like to see it, and I said while he was telling me of it, that I would like if he would take me there some night; I would like to see him, if he could do those things.

Q. Did not you invite Mr. Wallis to come to San Francisco for the purpose of accompanying you to a spiritualistic meeting of some kind? A. No; I never invited him to accompany me to a spiritualistic meeting there.

Q. Are you positive of that? A. Yes; he told me about his being a medium of some power.

Q. Did not you invite him to go with you to see a medium? A. No; I am positive on that point.

Q. When you left the library after you had concluded your labors here, did you not bid Mr. Wallis good-by? A. I bade him good-by in the evening, and I left in the morning.

Q. You gave him your address, your residence? A. During my stay here I was placed in a rather peculiar position. Mr. Wallis I considered as very untruthful, and I felt sorry for him because he did not know any better, and at times I used to have a perfect contempt for him. There is no other word that will express it—perfect contempt for him—and then I used to be sorry for him.

Q. Your feelings changed towards him? A. They varied as towards a child. I have been a teacher. As to inviting him to call on me, and giving him my address, I could not give him my address for I did not know where I would be. When I went to San Francisco I was to be for a time with friends. I gave him my friend's number, but I said they were friends and I did not know where I would be, and I remember that he said he would like to call on me, and I presume I said, "Well, come round and see me," or something



of that kind, but as for giving him my address I could not give it because I did not know where I would be for two or three days. I told Mr. Gunn that I would send him my address.

Q. When you went to San Francisco did you not express to Mr. Wallis your gratitude for his courtesy and kindness to you, and did you not invite him to call and see you in San Francisco? A. I am positive that I did not extend a cordial invitation to him.

Q. Did you not extend thanks for his courtesy and kindness to you, and did you not invite him to call and see you when he came to San Francisco? A. I do not remember of thanking him for his courtesies and kindness. He had been as kind as he knew how, but I do not remember of thanking him for it.

Q. He had been kind to the extent of his knowledge and ability? A. Yes.

Q. Did not you invite him to call and see you in San Francisco? A. No; I could not.

Q. You swear positively to that? A. Only in this way: he might have said he would like to call on me, and wanted to know where he could find me, and I gave him my friend's number, and said casually, "Call around." I think every lady does that when they do not want to get the ill will of any one, and it is easy to be not at home when the call is made if you do not want to see the party.

Q. You and Miss Patton are good friends? A. Yes; we are very good friends.

Q. And have been for some time? A. I knew Miss Patton in Oakland quite well. We were members of the same literary society, and we worked together in that way. I did not know her intimately. Perhaps a great many would call us intimate friends, but I have very few intimate friends. I did not know her intimately until last Winter.

Q. You have felt very much aggrieved about her removal from the library? A. I felt aggrieved before that. I did not see how she stood it. Downright meanness you can stand, but this unconscious meanness is very irritating to me. I could not have endured it.

Q. It aggravated your feelings towards Mr. Wallis when he removed her? A. I thought it was a very uncalled for act.

Q. These petty annoyances aggravated your feelings towards him? A. It did not aggravate my feeling as regards his fitness for the place.

The reporter read the question.

A. No; I cannot swear positively that it did. I have heard things since that have aggravated me, and at the time of that letter I felt indignant, of course.

Q. You felt during all this time that Mr. Wallis was not a competent man for that place? A. After my first day in the library I felt so.

*Conspiracy against Librarian.*

Q. You knew he ought to be removed from office? A. I knew that it was a disgrace to the State to have him there.



Q. What part did you take in having him removed from that position? A. I took no part.

Q. Did you have any conversation with Miss Patton about arranging a plan for his removal? A. No.

Q. She never talked to you about the matter? A. I said he ought to be removed. I know of no plan or scheme and never heard that there was one.

Q. You never heard of the scheme that there was for his removal? A. No; not until I saw Mr. Wallis' card in the Evening Post.

Q. Prior to that time you never heard of it? A. No; I never heard of any scheme or conspiracy, or anything of that kind.

Q. Did not you tell Miss Patton that Mr. Wallis was going to discharge her? A. No; I could not have done it; I did not know it; I knew that Mr. Wallis was feeling, as he represented it to me——

The reporter read the question.

A. No; I did not know any such a thing. I understood Mr. Wallis was having, as I said, a great deal of trouble, and he represented to me that he had sacrificed money and had given a great deal of time and a great deal of hard work, and had been to a great deal of trouble, in making the fight in the Legislature last Winter in regard to keeping his position because he kept Miss Patton, but I never told Miss Patton that he was going to discharge her.

Q. You never told her that he was putting up any jobs on her? A. I warned her. I told her this: she thought that one or two parties were her friends, and I became convinced from what Mr. Wallis told me, and I did not know how true it was; but at any rate I thought she had better be careful, and I told her that Mr. Wallis was finding fault with her, and that I thought the parties that she thought were her friends, in one or two instances, were not; but I did not say to her that Mr. Wallis was going to discharge her, for I had no such an idea. I did not think it possible for him to do so.

Q. Who are those parties that you refer to? A. In regard to making the statements?

Q. That were not her friends? A. Mr. Freeman is one.

Q. Who is the other one, Mr. Owen? A. No; it was a party connected with the Legislature. I will give his name to the Board; I do not care to mention it publicly.

Q. You decline to give the name? A. I do not decline to give it to the Board, but I do not care to have it published. It was not any one in Sacramento. I think it would be objectionable, as calling for my opinion. I had no positive proof. In regard to the discharge of Miss Patton, I would like to state that it was probably from ignorance on my part, but I did not know, until after Mr. Wallis' card appeared in the Post, that he had a right to discharge her, as she obtained her position through a vote of the Board of Trustees. I thought she could only be discharged through a vote of the Trustees, and I did not know to the contrary until I read his card in the Post.

Q. I will ask you if you had any conversation with Miss Patton between the tenth and twenty-sixth of last July, in which you told her that Mr. Wallis was going to discharge her, and that he was put-



ting up a job on her to get her out of the library? A. I never used any such language to her. I know I never did.

Q. State what language you did use? A. I do not recollect of making any such a statement, and yet it is possible that I might have said, when she made a certain statement to me—and I do not remember if it was between the tenth and twenty-sixth of July—but she came to San Francisco and I saw her for a few hours, and she told me in regard to the letters and the trouble she had had; I have forgotten, but I might have said, "You had better look out, he might put up a job on you."

Q. You never told her that he was putting up a job? A. No.

Q. Between those periods? A. No.

### *Drinking and Smoking.*

Mr. JOHNSON—The time you say you saw the liquor there was while the Legislature was in session? A. Yes.

Q. The Legislature was in session during the whole of the two weeks that you were in the library? A. Yes, except the first four days I was there as Miss Patton's guest.

Q. But during the two weeks that you were there assisting? A. Yes.

Q. You know of your own knowledge whether an effort was made to remove Mr. Wallis? A. I know nothing only what he told me, and what I heard from some of the prominent men. The prominent men told me that Mr. Wallis—

Q. Was the door into his room ever shut, or was it sometimes open? A. It was sometimes closed.

Q. Do you know the gentlemen that were in there when you saw them—whether they were members of the Legislature or not? A. Yes; I know they were members of the Legislature, a good many of them.

Q. Now, was anything done in there while you were there that was offensive or rude? A. No; they were very gentlemanly.

Q. They were gentlemanly so far as you could see during the time you were there? A. They were quiet; there was no noise—no undue noise.

Q. As a matter of fact, you knew that there was an effort being made to turn Mr. Wallis out and put somebody else in? A. I knew there had been such an effort, but I understood that it had quieted—that it was finished.

### *Correspondence of Library.*

Q. I understood you to say that you live in San Francisco? A. Yes.

Q. You have not stated your occupation, except incidentally, as that of a school teacher? A. Music teacher; that is what I have been engaged in the greater part of the time, although I have not been in that business all the time.

Q. Did you ever serve any one as an assistant before? A. In a library?



Q. No, in any capacity? A. I have occupied clerical positions.

Q. Did you ever know of any business where a person had a deputy or clerk under him; did you ever see business carried on that way? A. Yes, one man had several; all of my office business has been with men where there were several deputies.

Q. This instance where Mr. Wallis was letting Mr. Gunn attend to his correspondence is the only instance, I understood you to say, where you have ever known of a man permitting his deputy to conduct his correspondence? A. No.

Q. It is not? A. No, I did not make that statement.

Q. Did you ever know of a man having his deputy or clerk do writing for him? A. Yes, I have done that for men, but I was told how to do it and what to do.

Q. Do you know as to whether or not Mr. Gunn was competent to write letters if he was told how? A. Mr. Gunn is an intelligent gentleman.

*Incompetency of Librarian.*

Q. Did you ever tell Miss Patton that in your opinion Frank Freeman was the only person fit for Librarian connected with the institution, or language to that effect? A. No.

Q. Nor language to that effect. Just please to refresh your recollection and see? A. I remember my impressions of Mr. Freeman, and they were never changed in any way; they were very pleasant.

Q. I am asking what you said to Miss Patton with reference to Frank Freeman? A. I presume I have said that he was a much better fitted man for the place than Mr. Wallis, and I substantiate that now.

Q. That he was the only person fit for the place? A. No; I do not think I did.

Q. Are you a graduate of any school of known standing? A. I have not graduated. I attended the Elmira College in the State of New York for two years, and I spent two or three months at the State University at Berkeley. I have attended other schools, and I have taught. Before I came to California I taught music and taught school.

Q. Will you be so kind as to tell me, if you can, of any light work on religion? A. Let me see. I think Jacolliot's "Bible in India," while it might not be considered as a light work, it is not particularly heavy.

Q. I understood you, in your examination, to find fault with Mr. Wallis because of his not being able to give you any book that was rather light on religion? A. On the history of ancient religions.

Q. I understood you to say, also, that you were unable to remember any at that time? A. Yes; I had never been associated with a library, and I could not recall them.

Q. You do not remember what book it was you finally gave to the young ladies for their mother? A. No. I went to the alcove and I got a book, and I know that they sent it back in a day or two.

Q. You are positive it was not a Bible? A. Yes; I know the Bible.



*Drinking and Smoking.*

Q. I understood you to say that it was a State officer that was in there in January and took a drink? A. Yes.

Q. I understood you to say that he was a Republican? A. Yes.

Q. Will you be so kind as to name any State officer that is a Republican? A. I will give the name to the Board.

Q. I do not ask you to give the name of that gentleman. Name any State officer that is a Republican? A. I take very little interest in politics.

Q. But you made that statement? A. My impression is that there is but one State officer now that is a Republican, or that was a Republican.

Q. Is there any State officer that is a Republican? A. I might be mistaken about this gentleman being an elective State officer; he may be an appointed State officer; but it is my impression that he is.

Q. I want to test your knowledge. Will you be so kind as to name any appointed, or elected, or "squeezed in" State officer that is a Republican, or that was a Republican last February, and that was here at the State Capitol last February? A. I am not positive that this gentleman was a Republican—but when I think of it he may not be an elective State officer; I think he is an appointed State officer.

Q. Name him? A. It is Mr. Hall, the State Engineer.

Q. And that is the Republican? A. I supposed so, by the way he talked. He talked Republicanism to me, and I supposed he was a Republican.

Q. Are you a spiritualist?

Mr. HOLL objected, as irrelevant and incompetent, and the objection was sustained.

*Untruthfulness of Librarian.*

Q. I understood you to say that you were dissatisfied with Mr. Wallis because you thought he was untruthful. Did I correctly understand you? A. I do not know that there was dissatisfaction.

Q. You regarded him as untruthful? A. Yes.

Q. It is disagreeable to you to see people untruthful? A. I do not associate with them when I cannot help it.

Q. You regard it as wrong to be untruthful? A. Yes.

Q. As a moral principle, and also as a legal principle, you would regard it as wrong either to be untruthful or to permit it in other people? A. Yes; I regard it as the fundamental principle of society that people should be truthful.

Q. Do you think that it is moral and truthful to invite a gentleman to call on you and at the same time state that it was very easy to be not at home when he called? A. I think that the custom of society and etiquette require certain things of us, and I think under those circumstances I would consider it all right. You misunderstood me if you understood me as saying that I ever invited Mr. Wallis to call.

Q. You said that it was easy to be not at home. Your idea of a lie is simply that if it is customary to tell a lie that that robs it of all



its wickedness? A. No; I think that where there is a vital principle at stake lying is a very different thing.

Q. Was Mr. Wallis acquainted with you before you came there in January? A. No; he had never seen me.

Q. How long were you there in January when you were the guest of Miss Patton? A. About four days.

Q. Were you in the library all the time? A. No; I came on Wednesday after New Year's and I left Saturday morning. I was in the library during the greater part of the time during office hours.

Q. The next time you saw him was when you came there in February to act as assistant for Miss Patton? A. I went to the country, and on my return I stopped to visit her again. I think I came on Saturday.

Q. Did you see Mr. Wallis between the time you were there in January and the time you came to the library? A. No, only three or four days before Miss Patton gave up and remained at home, when I was in the library as her guest.

Q. All these conversations you had with Mr. Wallis, and these exuberant confidences he made to you at opportune and inopportune moments, were made by a man almost a total stranger to you? A. Yes; that is what disgusted me at first.

Q. You were not proud of his selecting you as a confidant in the matter? A. No; I never was.

Q. Did you invite the gentlemen connected with the library to call upon you at Miss Patton's residence, and did they do so and spend a pleasant evening? A. I do not remember doing so; if I did so, they did not come.

Q. Did Mr. Wallis and other gentlemen at the library, at your invitation, visit you at Miss Patton's residence, and play cards with you, and pass a pleasant evening? A. The first evening that I spent in Sacramento on my way to the country, I think perhaps Mr. Freeman will remember whether Mr. Wallis was at Miss Patton's or not, playing whist. I do not remember any such an invitation; it is not like me. It is hardly in my nature to entertain. I can do it, perhaps, sometimes, if it is going to hurt any one's feelings by not doing it, but it is not like me at all to invite people to my home that I do not care particularly to spend the evening with. Last February is some time ago, and I cannot recollect, as I say. I was not going to fight with Mr. Wallis. That would have been very bad policy, for my friend's sake, for me to have done so. I do not remember having extended any such invitation; if I did, it was not accepted, to my remembrance. Miss Patton was ill.

Q. Did you after that tell Mr. Wallis that you would assist him in keeping his place and that you would write letters to some friend of yours? Did you, in the presence of Miss Patton, tell Mr. Wallis that you would assist him to keep his position, and that you would write a letter to some friend of yours? A. I do not remember of any such a statement. It might possibly have occurred on the ground of saving Miss Patton or assisting her. Mr. Wallis blustered about it a great deal, and the first two or three days I did not know what to



believe and what not to believe. After that I had no hesitancy but I do not recall any such a statement.

*Re-direct Examination.*

Mr. HOLL—During the time you stopped in the library what did Mr. Wallis do? We were talking about the correspondence a little while ago. What did he do during that time? What labors did he perform? What position did he fill? What useful purpose was he employed at there? A. It seems rather severe, but I declare I do not know of but one word that will express it, and that is “bluster.”

Q. He occupied his time by blustering? A. Yes; as far as my observation went.

Q. Did you ever see him write any letters? A. No.

Q. Did you ever see him do anything about the library? A. No. I cannot recollect of his putting up books. I know that he looked over my check book once or twice and said that notice must be sent to such and such persons, and that he would attend to it, but when I left it had not been attended to. That is as far as I can think of.

Q. Mr. Johnson spoke about his communicating to you so many things in confidence. Did you ever repel him, or suggest to him that you did not care to hear it? A. Yes, I did.

Q. How did it occur, and what did you do?

Mr. JOHNSON moved to strike out the last answer, because the question was leading and not in re-direct examination, and the motion was denied.

A. I could not stop him; I tried to, but I did not succeed.

Q. What did you say to him? A. I told him I did not care to hear those things.

Q. Did that occur more than once? A. Yes, several times; it occurred several times; I know the circumstances under which it occurred.

Q. You stated in your cross-examination that a multitude of little things occurred in the library, and that that was one reason that created your sympathy for Miss Patton, and you said that you would not have endured it. What would have been your remedy? A. Well, I would have left.

Q. If you had held the position of Assistant Librarian, and had been subject to that conduct, what would have been your remedy?

Question objected to and withdrawn.

Q. You were asked the direct question, whether between the tenth and twentieth-sixth of July you told Miss Patton about a plot or a job put up to remove her. Did you know at that time of any job or of any disposition on the part of anybody to remove her? A. As I say, shortly before the card of Mr. Wallis appeared in the paper, and I was informed through the papers that she had received this letter from Mr. Wallis, asking for her resignation—I saw her in San Francisco, and she told me about this trouble in regard to the letters, and I remember of saying to her that she had better look out, or something of that kind, and she expressed herself as not being at all afraid. I do not know the date of that card. I do not recollect.



Q. Did you, in that conversation, tell her anything about any job put up to remove her? A. No; I did not know anything of it.

Mr. JOHNSON—Your place of duty, while you were there, was in the main room at the desk, in the room where the books are? A. Yes.

Q. It was your duty to stay there? A. Yes.

Q. If anybody was in the Law Library you could not tell what they were doing? A. I had to go in there frequently to consult Mr. Gunn. You must remember that I came here a perfect stranger in the library, and I was not familiar with the locations of the books. I learned that as fast as I could, but during that time Mr. Gunn very frequently assisted me. Parties would come in the library and ask for books, and I would not know where to find them. After the first week, or ten or twelve days, I knew something of the way the books were arranged, but I was very often puzzled, and he would come and find the books for me, or else designate the alcove where I would find them.

The reporter read the question.

A. No; not if I was at my desk.

Q. If any one was in the Librarian's private office you could not tell what they were doing there when you were attending to your duties? A. No; not if the door was closed, and if I did not happen to go in there.

Q. If the door was wide open, or if it was off its hinges, can you see into the Librarian's private office from the desk where you used to be? A. No.

Q. Is it the Librarian's duty to put up the books? A. No; not as I understand it.

Q. You found fault with Mr. Wallis for that reason? A. I simply stated that fact as incidental; perhaps it was unnecessary. I was trying to think what I had seen him do, and that occurred to me.

Q. Were there enough assistants and help in the library to attend to the business? A. Yes; although some days it was very hard work.

Q. Some days you had to earn your salary more than on other days, although you unfortunately did not get a salary; but those that got salaries had to work some days harder than others? A. I think Mr. Gunn had to work very hard, and I felt tired.

Q. Did Miss Patton tell you why she was not afraid of Mr. Wallis? A. No; she did not.

#### EVENING SESSION.

#### TESTIMONY OF HATTIE R. KELSEY—Resumed.

Mr. HOLL—Miss Kelsey desires to make a statement in reference to a part of her testimony given this afternoon.

A. On reflection I have thought of something that I had forgotten, and I desire to have it right, and that is in regard to my meeting with Miss Patton in San Francisco, in the early part of July. When one of the gentlemen asked me if I did not tell Miss Patton that



there was a conspiracy formed to get rid of her, I did, and these were the circumstances: Just after my return to San Francisco last Winter, a friend in Oakland came to me and said that Miss Patton was going to lose her position. I said, "No." She was a friend of Miss Patton, and she was anxious about it. I said "No." She said, "She is; I know positively." And she said it came from a very reliable source. I told Miss Patton this statement, and I understood from what she said that Mr. Wallis had no authority to discharge her. I gained that impression from what she said, and just after this conversation I saw this friend, and I told her I wanted to know more of the details, and she replied that the position was offered to a teacher in the City of Oakland, and that the teacher had said that she would accept the position, and when that lady found that it was the position occupied by Miss Patton—it had been simply tendered to her in connection with the State Library—when she found out that it was the position occupied by Miss Patton, she declined to have anything to do with it, but it was offered to her in good faith. I entirely dismissed it from my mind, and this afternoon, when the question was asked, I did not remember it at all until after I had left and thought over the matter, and had spoken to Miss Patton about it, and she called my attention to that fact.

Q. That is the substance of what you stated in reference to her removal? A. Yes.

Mr. JOHNSON—Did I understand you to say that you told Miss Patton that some friend of yours in Oakland told you that she was going to be removed, or did you tell Miss Patton that somebody said to you that Mr. Wallis was going to remove her, or did you tell her that Mr. Wallis was going to remove her? A. I did not state in regard to that, because I did not know. My impression was, and I think I must have conveyed the idea to her, that in some way there was a conspiracy formed. I did not know how. My friend did not tell me. She was pledged not to.

Q. You did intimate to her that there was a conspiracy? A. I do not know whether I used the word "conspiracy" at all, but that would perhaps express it to a certain extent. I gave Miss Patton my authority.

Q. Who was that authority? A. I will give the name to the members of the Board, and of course the Board can make such disposition of the name as they desire.

Q. What is the name of your informer? A. I reply that I will give it to the members of the Board—to the Chairman of the Board.

Mr. JOHNSON moved to strike out all of the witness' testimony in reference to what she was told in Oakland, and as to what she told Miss Patton—all of the testimony she has given this evening in response to Judge Holl's questions.

The Board struck out all the witness' testimony given during the evening, except what she said to Miss Patton.

Mr. JOHNSON—Do you consider yourself competent to judge as to the proper use of language, and the proper expressions to be used by a State Librarian, in transacting his business?

Objection sustained.



Q. I understood you to say that you thought his manner was undignified. Do you consider yourself competent to judge as to that? A. That is my opinion. I consider myself; yes.

Q. I understood you to say that he used commonplace phrases. Do you consider yourself competent to judge as to what a commonplace phrase is? A. Yes; I have my idea in regard to it; it might differ from yours.

Q. Do you consider yourself competent to judge as to that? A. I cannot consider myself particularly competent for anything as I view life. We might consider ourselves competent while from another standpoint it would be a very different matter. We have no right to lay down the laws by which others should be judged. We can lay down our own laws. According to the best of my ability I judge, but I do not claim that it is infallible.

Q. You have judged to-day, and under oath have testified in reference to Mr. Wallis, and have given the most damaging testimony you could possibly consistent with the truth against him. Now, I ask you the question if you consider yourself competent to judge as to what is a commonplace phrase? You used the expression yourself? A. Yes; I do from my standpoint.

Q. Will you tell me if, when I use this expression, whether it is a commonplace phrase: "Mr. Davis is suffering from a circumscribed subcutaneous inflammation characterized by a pointed pustular tumor suppurating with a central core?" Would that be a commonplace phrase or not? A. No; very few would use it.

Q. Do you understand the meaning of that? A. It conveys an impression to my mind.

Q. Do you know the meaning of that expression that I used? A. If you will say it over again I think I can comprehend it.

Q. "Mr. Davis is suffering with a circumscribed subcutaneous inflammation characterized by a pointed pustular tumor suppurating with a central core." It is a boil. A. I would like a copy of it.

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#### TESTIMONY OF R. M. CLARKEN.

Called and sworn on behalf of the prosecution.

Mr. HOLL—Your name is R. M. Clarken? Answer—Yes.

Q. You are a resident of Sacramento City, of course? A. Yes.

Q. Do you know the State Librarian, Talbot H. Wallis? A. Yes, for several years.

Q. Have you been in the library a good deal during that time? A. Yes; from time to time, very frequently.

Q. Were you in the library a good deal during the session of the last Legislature? A. Yes, I think I can safely say I was in the library last Winter or during the last session of the Legislature, more than during any previous session, except perhaps the session of 1875-6, when I was a member, for the reason that I had a bill that I was engineering or trying to engineer through.

Q. Did you pass it? A. Yes, I passed it.



*Drinking and Smoking.*

Q. Mr. Clarken, you are a lawyer, yourself, and I do not want to ask you the questions. I will ask you the general question, to tell what you know, if you know anything, and all that you know, in reference to the use of liquors in any portion of the library during the session of the last Legislature? A. Well, from personal knowledge I know that gentlemen from time to time, members I think, and perhaps others, have drank in the Librarian's private office; that is an answer in general terms.

Q. Go on now, and state all that you know in reference to the extent and the number of times that you saw people in there; whether it was a custom to go in there, or whether it was only incidentally that some gentlemen went in there to drink; state all that you know about that? A. I understand the question thoroughly.

Q. Very well, sir? A. In the first place I do not know whether it was a custom or not. It is impossible for me to say. I will say that I have seen them—persons—drink there three or four times. I have seen perhaps one or two go in there, while at other times and on one particular occasion, on one evening towards the end of the session, there was quite a crowd, all in one body, took a drink and they went out again.

Q. Where was this—what part of the library? A. The Librarian's private office.

Q. Did you ever observe any liquor there; any packages that contained liquor, or such packages as are usually used? A. I think what liquor was drank—I did not observe it all; I was not drinking myself. I had been asked and refused. The liquor was taken from a bottle, I think.

Q. Did you see any demijohns there? A. No. During the last session of the Legislature I never saw a demijohn to my recollection.

Q. How much of the time during that session were you in the library? A. Comparatively few times in the private office of the Librarian, for the very reason that my business especially called me into the Law Library.

Q. Were you in there a great deal? A. I think I might safely say that for the space of three weeks I scarcely missed a day being in this library, and I will explain the cause of it: I wanted to get a hearing before the Judiciary Committee of the Senate, and that committee used to meet immediately after the adjournment of the Senate every day. The bill that I was the author of, and that I was trying to get through, and which finally did pass—the bill for the relief of Saultry, who lost both of his arms at the State Prison—was an important measure, and involved certain questions that I wanted to discuss before the committee, and they promised from time to time to give me a hearing. So I would come here every day in order to be in time. They adjourned so very late in the afternoons that I could not get a hearing until fully three weeks had elapsed. One day I got a hearing of a few moments and they then continued the case for a time—two or three, or four days, perhaps—and the consequence was that during that time I was not up here. After that then



I was more or less on hand all the time. After it got to the house I was not up here so often, for the reason that the Committee on Claims to which it was referred in the Assembly, met in the evening, but during that interval I would drop in from time to time.

Q. During the time that you were in attendance on the library how many times do you say you personally was cognizant of this use of liquor? A. As I said, three or four times; perhaps two or three times; I could not say.

Q. At such times how many persons were present? A. I think I have at times seen one or two, and one evening towards the end of the session, I, if I mistake not, there were several gentlemen, perhaps five, or six, or seven, that came in there and I chanced to be in there; some of them I was acquainted with.

Q. Any tobacco used there; any smoking in there; was the room full of smoke? A. No; the room was not full of smoke. I have smoked in there myself for several years past. There was not a room full of smoke. I have smoked in there and I have seen others smoking.

Q. I have reference to the times when you have seen men go in there and drink whisky? A. I do not know whether I have seen them smoking or not. They may have had their cigars in their hands; I do not know whether they did or not.

Q. You know that was the place where they resorted to a greater or less extent to drink liquor? A. No; I do not know that it was.

Q. Do not you know that they went in for that purpose? A. I know that after they went in there they got it. I do not know that they went in for that purpose.

Q. You had been invited in for that purpose? A. No; I chanced to be invited after I was there. I did not go in to be invited.

Q. When you were in there you were invited to drink? A. Yes.

Q. You know that liquor was kept there. A. Yes; I think that somebody that did not have the privilege to invite me, asked me.

Q. Is that the reason that you did not take any? A. No; it was because I do not drink, and I think Talbot Wallis at the time said, "Clarken does not drink."

#### *Department of Librarian.*

Q. Did you see a good deal of Mr. Wallis during the time you stayed in the library? A. Yes; most every day.

Q. What do you know, if anything, about his being in the habit of using loud and boisterous language in the library building? A. I have heard Mr. Wallis, from time to time, in a loud voice, hailing somebody or talking to somebody, and that is all. It was in a loud manner. How frequently I do not know.

Q. Enough so as to attract your attention to the fact that as a usual thing he was talking loud and in a manner not in keeping with a person who occupied a position of that kind? A. I have heard Mr. Wallis talk in a loud, stentorian voice, for he has an unusually loud voice anyhow. I have heard him talk in a voice contrary to the rules that are tacked up on the walls of the library, I think, but at



the same time I have heard others violate the same rule time and again.

Q. I am asking you about Mr. Wallis. In reference to Mr. Wallis, you say you have heard him use language that you suppose or believed to be in violation of the rules of the Trustees? A. No. I said I heard him talk in such a loud voice that I regarded it as a violation.

Q. You regarded it as a violation? A. Yes.

### *Smoking in Library.*

Q. Did you ever see Mr. Wallis use a pipe and smoke in the library other than in his private office? A. I would not say positively.

Q. You remember of his having a big pipe? A. I remember that he has a big pipe, and I have seen him smoking it.

Q. Have you seen him smoke it in the library other than in the private office? A. I cannot say that I have; but I have seen him when walking from his private office through the library, or to the Law Library, I have seen him have that pipe in his hand, I think; I would not be positive about that; I have seen him have it in his hand; I have seen him smoking it in his office; how often I could not say.

Q. Have you seen him smoking it in the Law Library? A. No.

Q. Or in the miscellaneous library? A. Not to my recollection in there, I think.

Q. Where did you see him smoking it? A. In his own private office.

Q. Do you not remember seeing him smoking it any other place? A. No, I do not think that I charged my memory with it.

Q. Do you remember speaking to persons about the fact of his doing that in the general library, in the miscellaneous library? A. I do not remember it; no.

### *Incompetency of Librarian.*

Q. Did you ever speak to him upon subjects pertaining to the library? A. In what way do you mean?

Q. I mean about matters pertaining to the library and in reference to books. Did you ever call for any books in there to ascertain whether you could get information upon any subjects? A. No; I think not.

Q. You never had any such conversation? A. Not to my recollection, unless you refresh my memory in some manner or other. Most everything I have gone there for I either knew where to find it, or I——

Q. Did you ever have any conversation with Mr. Wallis on subjects in reference to the library in such a way as to impress on your mind his deficiency in the knowledge that a Librarian ought to have? A. No.

Q. You never had any such? A. No; never to my recollection.



*Drinking in Library.*

Q. Did you ever see Mr. Wallis in the library when you at least thought he was under the influence of liquor? A. No; I have never seen Mr. Wallis, at any time in my life, after an acquaintance of ten years—I do not think I ever saw him in that way.

Mr. BALL—You have seen him frequently during that time? A. I have; I have known Mr. Wallis personally since I have lived in this city the last time.

Mr. HOLL—I speak of the time that he was in the library? A. He was in the library during the time I speak of.

Q. I ask, since he has been Librarian? A. That is the question that I have answered already. I say no, and I answered Judge Ball that I have known him for a number of years.

Q. Do you remember ever being present with other persons employed at the library when Mr. Wallis was in a condition otherwise than that of strict sobriety, and when it was a matter of talk between you and somebody else in the library as to his condition? A. No, I do not recollect it. As I said before, if you can refresh my memory about it, and if I remember it, I will answer it.

Q. You do not remember it? A. No.

*Cross-examination.*

Mr. JOHNSON—The time you say you saw these people in the private office taking a social drink, they were perfectly gentlemanly about the matter? A. Yes, every one of them; I would not have recollected that circumstance had it not been for the fact that one was a member of the Assembly whom I knew. He was a little hilarious and felt jubilant. He had been successful in the passage of a friendly Act that day, and he felt unusually good. I remember there was a crowd in there.

Q. Everything was polite, gentlemanly, and quiet? A. Yes, as affable as could be.

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TESTIMONY OF JOHN H. MCKUNE.

Called and sworn on behalf of the prosecution.

*Untruthfulness of Librarian.*

Mr. HOLL—You know the State Librarian, Talbot H. Wallis. Answer—Yes.

Q. You remember about the time when he was elected to that position? A. I could not tell the date; I recollect the occasion.

Q. You remember having a conversation with him after that relative to his election? A. I have had several.

Q. Shortly after the election, or since that time? A. One the same day, and then some time later—weeks, perhaps, later—but I cannot fix the time.



Q. Did you have any conversation, or more than one, wherein he told you the circumstances of his election, wherein he detailed to you the facts about why certain members voted for him? A. He told me some facts about the matter of the election, as to the influences that induced the parties to vote.

Q. I would like to have you state them to this Board. These statements were not made to you in confidence? They were not confidential communications? A. I do not know that there was any seal of secrecy put on them; they are of a character, however, which I would not want to repeat, simply because I think they would hardly bear publicity. It would not be creditable to the parties, and, of course, I understood that I was not to talk it in public, not because it was so understood, but I would not tell these things because they might injure some persons.

Q. You say that you did not consider it at that time as a confidential communication? A. In that way I did not, but the character of the statements were such that they ought not to be mentioned.

Q. Were there any restrictions put upon you? A. Not that I remember of.

Q. Did they have reference to the reasons why some of the members of the Board voted for him? A. Yes; some part of the conversation did.

Q. I would like to have you state to the Board what he said to you at that time as to why members of this Board voted for him?

Mr. JOHNSON objected to the question, as irrelevant, immaterial, not responsive to any of the issues in this case, and not included in any of the charges or specifications in this case.

The objection was overruled by the Board, Mr. Freeman voting in the negative.

Mr. HOLL—State what this man said to you about this thing? A. Shortly after the election I was in the Law Library, and Mr. Wallis came in, and I had known that the election was going forward and had heard that he had been elected, but had not heard the particulars of how the vote had been, and I asked him to tell me, as a matter of curiosity, not supposing that it was a secret, and he said that at that time he could not tell me the particulars, but would at some future time. Some weeks later—I cannot tell when it was—in the office of the Librarian, in the presence of Miss Patton, the thing was again called up, and I cannot tell now whether I asked or whether he volunteered to introduce it. He then related to me some of the facts connected with his election. I do not think I can remember all of them. Some of them I can. He gave me to understand that Mr. Belcher voted against him, in violation of pledges; that Mr. Edgerton for some time felt inclined to vote against him, and I think he said that Mr. Edgerton had made a motion to continue the election and to not dispose of it on that day; that thereupon Mr. Owen—I think he said—made a speech, or got up and addressed the Board and denounced Mr. Edgerton for wanting a postponement of it; that that meant defeat to Mr. Wallis and the election of somebody else; that Mr. Edgerton finally concluded that he would vote for him, and so announced. I asked him what made the change—what induced



Mr. Edgerton to make that change. "Oh, he dasen't go back on his word," he said. He said that Grove L. Johnson—that the arrangement was made with Grove L. Johnson, by which when Mr. Edgerton was elected he was to vote for Mr. Wallis, and it was through his (Wallis') influence that he (Edgerton) was elected, and that Mr. Johnson was there, and that—I do not think he said that Mr. Johnson was ready to resort to violence, nor that Mr. Edgerton did not dare to go back on his promise and vote against him. Now, that is about the substance of that, and I think he in part reiterated it some weeks later in other conversations in the Law Library. That is about as I remember the conversation. It did not occur to me until recently, and I did not think that it would be necessary to remember it.

Q. What did he give you as the reason that Mr. Edgerton would not vote against him, why could not he? A. He said he dared not go back on his promise; that he promised Mr. Johnson, and that Mr. Johnson would not let him.

Q. Did he tell you what means would be resorted to? A. If he did, I cannot tell. That was given to me by somebody about that time, but I cannot tell; I would not like to state that he said Mr. Johnson was there armed; I cannot now recall it with that certainty that I would like to say that he told me so. That is about all there is.

No cross-examination.

#### TESTIMONY OF R. O. CRAVENS.

Called and sworn on behalf of the prosecution.

Mr. HOLL—You have been the Librarian for a long time of this library, have you not? Answer—Yes.

Q. You know Mr. Wallis? A. Yes.

Q. He used to be in the library when you were Librarian? A. Yes.

#### *Detention and Opening of Letters.*

Q. You were in the city during January of this present year, were you not? A. Yes.

Q. State whether during the month of January you ever received a letter from Mr. Wallis that came to the library addressed to you? A. I did not.

Q. You say you did not? A. No.

Q. A letter that came through Wells, Fargo & Co. to the office here? A. No; I did not.

Q. You never received any such letter at all? A. No.

#### *Deportment of Librarian.*

Q. Have you ever heard Mr. Wallis say what Miss Patton said the reasons were why she was removed? A. I have.

Q. Where was that conversation? A. It was in the Law Library.

Q. Who was present at that time? A. Mr. Gunn.



Q. Anybody else? A. Mr. Church, and I think some other person.

Q. Was it spoken in a voice that could be heard by persons in that room? A. In any part of the room.

Q. What did he say, now, that Miss Patton said as the reason why he removed her? A. I will not answer that question when any ladies are present.

Mr. JOHNSON objected to the question, as irrelevant, immaterial, incompetent, not responsive to any of the issues in this case, and not covered by any of the charges or specifications in this case.

The objection was overruled by the Board.

Mr. HOLL—Answer the question? A. Well, Mr. Wallis said that Miss Patton was telling around town that the reason why he removed her was that he wanted to sleep with her, and that she would not let him do it.

Q. You say that he stated that in the Law Library? A. Yes.

Q. In the presence of a number of persons? A. Yes.

Q. And in a voice loud enough for persons present in the room to hear it? A. As our conversation is now.

Q. Do you know whether he repeated that to other persons at other times? A. I only know from hearsay.

Q. Only from hearsay? A. Yes.

Q. Do you know whether he made that statement to other persons than yourself? A. I only know whether he did from hearsay.

Q. State it?

Question objected to and withdrawn.

No cross-examination.

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Mr. HOLL—Mr. Gunn, will you come forward and be sworn?

Mr. GUNN—I decline to be sworn—I am an interested party; I decline to be sworn.

Mr. EDGERTON—I move that Mr. Gunn be requested by this Board to take the witness stand.

The motion was carried unanimously.

Mr. GUNN—Mr. Gunn respectfully declines.

Mr. HINKSON—We are desirous that Mr. Gunn will go on the stand, and we hope that he will reconsider.

After some further discussion by counsel and the Board Mr. Gunn took the stand.

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### TESTIMONY OF C. E. GUNN.

Called and sworn on behalf of the prosecution.

#### *Correspondence of Library.*

Mr. HOLL—Is there a book kept in the library that contains the principal correspondence that is conducted in the library? A. There is.

Q. Will you please bring it?

The witness produced the book.



Q. Is this the book—the letter-book—that contains copies of the correspondence? A. Yes.

Q. How long has this been kept in the library? A. Something over a year; I think about a year.

Q. How long have you been in the library? A. Sixteen or seventeen months.

Q. Have you the book that contains the correspondence prior to this? A. No.

Q. In whose handwriting are the letters of which those are copies? A. Some of them my own, and some Mr. Wallis'.

Q. Will you please refer to some of those that are in Mr. Wallis' handwriting?

Mr. EDGERTON—What is the object of this?

Mr. HOLL—The object of this is to show that Mr. Gunn does all of the correspondence, and we will follow it up by proof showing that he does it because the principal is incompetent to do it.

The WITNESS—That is Mr. Wallis'.

Mr. HOLL—Give the page? A. Page 24.

Q. Give the name of the book? A. It is simply marked "Letters."

Q. What does it contain? A. It contains letters and correspondence with various parties.

Q. The correspondence of the library? A. Yes.

Q. Give us the pages where there are copies? A. It does not contain all of the correspondence, but a good portion of it.

Q. Give us the pages upon which are letters, or copies of letters, of Mr. Wallis' correspondence? A. Pages 23, 24, 25, 32, 33, 41, 42, 46, 49, 51, 53, 54, 55, 58, 59, 60, 61, 62, 67, 69, and 70. I expect I ought to call attention to the fact that Mr. Wallis' writing takes very dimly, and that is one reason why I—

Q. Never mind the explanation now? A. I think the later ones are all in my own handwriting; I do not see any others; I think that is all.

Q. That is all? A. I think so; I may have overlooked some.

Q. Is there any book, prior to that time, kept in the library? A. There is no book prior to that time kept.

Q. These are all the copies of letters that you have got? A. Yes.

Q. Now the gentlemen want you to explain. Give the explanation that you were going to make? A. The explanation is, that he writes with a gold pen and I write with a steel pen, and the letters are clear-cut, while his are a little blurred, and the consequence is that my writing takes well in the book and his does not. Mine is readily read, and therefore mine generally appears in here, and his does not, where we require copies of letters.

Q. Do you give that as the only reason why so many letters in this book are in your handwriting? A. No; there is another one.

Q. What is that? A. He frequently gives me letters to copy, written in pencil.

Q. He writes in pencil? A. I do not say he always does; he frequently does.

Q. Why is that done, do you know? When he writes with a pencil it would be about as quick to write them with a pen. Do you



know why he writes them in pencil? A. I can hardly say that I can penetrate the secrets of another man's thoughts.

Q. Do not you know? A. No; I do not know. I know sometimes he does write with a pen and sometimes he does not.

Q. Now, Mr. Gunn, when you receive copies written in pencil by Mr. Wallis, do you copy them literally, just as he writes them? A. No.

Q. Do you use the same words? A. No, not always.

Q. Do you use the same words and the same sentences? A. No; if I think I can improve it I take the liberty to do it.

Q. Do you frequently improve it? A. Well, I flatter myself that I have sometimes.

Q. Is it not a fact that you very often do it? A. As I say, it is not a very frequent occurrence that he gives me letters in that shape.

Q. As a matter of fact, do not you correct the letters when they are given to you in pencil? Let me put this question right squarely to you. When you get a letter in pencil from Mr. Wallis, would you send that—a literal copy of it? A. I do frequently.

Q. You do frequently? A. Yes.

Q. You copy them literally? A. Yes.

Q. And you use his capital letters? A. Yes.

Q. And punctuate it as he does? A. Punctuation I do not know much about; I am not very particular about that myself.

Q. Sometimes you do not correct the spelling or the grammar? A. I do not know about that; I never pay very much attention to spelling.

Q. In conducting correspondence with foreign governments you are somewhat particular? A. Yes; certainly.

Q. You do not send letters with words that are misspelled—palpable errors in orthography? A. No.

Q. Do not you frequently find it necessary to correct the spelling of Mr. Wallis? A. Once in awhile a word is misspelled.

Q. Is it frequently, or once in awhile? A. It is not frequently.

Q. Can you state to this Board that you ever wrote a single letter written by Mr. Wallis that you made absolutely a literal copy of and did not correct any portion of it? A. I think I have; I could not testify to that.

Q. You can testify whether you have or not? A. No; I could not.

Q. Well, as to your best judgment? A. I think I have.

Q. How many? A. Well, that I cannot tell, for I do not know whether I have or not. It would be very singular for me, then, to testify as to how many. It is my best judgment that I have.

Q. You would not be willing to state as a positive fact, that that is true. It is simply your best judgment? A. No; I would not.

Q. As to the number of such letters, of course, you have no idea as to whether there were one or two or half a dozen? A. No; I could not state.

Q. Now, what is your position in this library; what are your duties in this library?

Mr. JOHNSON objected to the question, as irrelevant, immaterial, and incompetent, and the objection was sustained.



Mr. HOLL—You hold a position in this library? A. Yes.

Q. What is the title of the position—what relation do you sustain to it? A. Deputy Librarian.

Q. As such do you have any duties that are allotted to you as deputy in the library?

Same objection—sustained.

Q. Now, then, is the duty of conducting the correspondence of this library delegated by your chief to you? A. No.

Q. It is not? A. No.

Q. Then are there any other particular duties in the library delegated to you?

Same objection—sustained.

Q. Tell this Board why you conducted the larger part of this correspondence? A. Because he would bring some letters into my room, the Law Library, and I would read them over, and he would say that he wanted such and such an answer, and I answered them, or if he wanted such and such a letter written I would write it when he requested me to, but I did not understand that this was my duty.

Q. You did it because he requested you to do it? A. Yes.

Q. Now, did that occur at times when he was employed in other business, so that he could not himself attend to it? A. Well, usually, he has something else on hand.

Q. Now I want you to state the facts to this Board? A. I really do not know, because I occupied one side of the building and he the other. I do not know what he was doing in there.

Q. Do you know, as a matter of fact, from your own observation, and your conversations with Mr. Wallis upon this subject, do you not know that he brings a great deal of this correspondence to you because he considers himself not qualified to conduct it? A. No; I do not think he brings it for that reason.

Q. Now, do not you think that? A. No.

### *Incompetency of Librarian.*

Q. Now, Mr. Gunn, your duty, as you have stated, is in the Law Library? A. I am usually there.

Q. Are you sometimes called into the general library for the purpose of ascertaining whether you could find books in that department? A. Once in awhile; not very often.

Q. Have you been referred to by Mr. Wallis, your superior, to ascertain whether such and such books were in the library? A. No, I do not think by Mr. Wallis; I do not recollect any time that I have.

Q. You do not remember that? A. No.

Q. Being in the library there so much, do you know whether Mr. Wallis is fully acquainted with the condition of the library so as to be able to tell people what works he has upon different branches of learning? A. Well, I do not know that I have ever seen him tested in that way, but as to knowing where books are, when asked for, he knows very accurately.

Q. He knows the case? A. Yes.

Q. When people come in there and ask him if he has a work on a



subject, naming it, does he know enough about the library to know whether he has it or not? A. In the general department I cannot say that I have ever heard the question asked.

Q. Have ever persons come to you and asked you whether you knew if such and such books were in the miscellaneous library? A. Yes, sometimes.

Q. At times when Mr. Wallis himself was in the library? A. Yes, I think so.

*Department of Librarian.*

Q. Have you ever observed Mr. Wallis when visitors came into your library—did you ever observe his conduct in reference to showing people through the library and informing them as to what he has there to show? A. I have seen him frequently.

Q. Have you been with him through the library to observe the manner in which he would show people around? A. If he went with the visitors, certainly I did not.

Q. Did you sometimes go? A. Sometimes.

Q. Did you go when he was there? A. Yes.

Q. Did you ever go with them for the purpose of keeping Mr. Wallis from going with them himself? A. No.

Q. Did you ever do that? A. No. I do not hanker after that kind of a job.

Q. I do not suppose you do. The question I want you to answer is, whether, from your observation and knowledge of Mr. Wallis, and the manner in which he conducts the library, you have taken upon yourself at times to show people through the library because you believed you could do it better and more satisfactorily than Mr. Wallis? A. No; I do not know that I arrogate to myself that.

Q. Did you ever talk with people about that matter? A. I think possibly I have.

Q. You think you have? A. Yes; I think I have criticised some ways that Mr. Wallis had in reference to that.

Q. You have criticised him to the extent of saying that you did not think that he had the qualifications——

Mr. JOHNSON objected to the question, as irrelevant, immaterial, incompetent, and leading, and that the witness has made the statement that he has not.

Mr. HOLL—What has been the subject of these critical remarks on that matter?

Mr. JOHNSON objected, on the same ground.

Mr. EDGERTON—Let him state the conduct that he criticised?

A. Well, when I first came here, before I was much acquainted with Mr. Wallis, I think criticisms were made at that time; I know there were. I thought at that time that there were times when he was exceedingly nervous, and I sometimes laughed about it and criticised it. He has sometimes a nervous manner of conducting visitors rapidly from one place to another. That is about the extent of my criticism.

Mr. HOLL—Now, have not you taken his place very frequently in that matter? A. I do not think I have.

No cross-examination.



Mr. HOLL—We offer that letter-book in evidence before the Board. It was referred to in the evidence of Mr. Gunn.

The Board adjourned to further hearing, until to-morrow morning, at nine o'clock.

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On Wednesday, September 5, 1883, the following additional testimony was taken before the Board:

Mr. EDGERTON read a note from Mr. Freeman, stating that he had been suddenly called to San Francisco because of the death of his brother-in-law.

Mr. EDGERTON was unanimously elected as the temporary presiding officer of the Board, and it was understood by both parties that Trustees Freeman and Belcher will participate in the final determination of the matter, and that the testimony as transcribed by the Official Reporter will be submitted to them.

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#### TESTIMONY OF MISS M. A. PATTON.

Called and sworn on behalf of the prosecution.

Mr. HOLL—Your name is Miss M. A. Patton? Answer—Yes.

Q. State how long you have been connected with the library? A. I came into the library the first of May, 1882, and I was employed to the thirty-first of July.

Q. State whether you have been, during that time, all the time employed in the library, and if so, in what capacity? A. Since that time as Assistant Librarian or Deputy Librarian.

Q. You were then in the library during the last session of the Legislature? A. Yes.

#### *Drinking and Smoking.*

Q. State now to this Board what you know, if anything, in reference to the library, or portions of it, being used for the purpose of drinking liquor and using tobacco; state just what you know about it from your own observation? A. I know that there was considerable drinking in the private office, in that part of the library; I saw there several demijohns that were sitting around; they were sometimes in my way when doing my work, and it was one time only that I saw one carried in; that was a very large demijohn of four gallons; very frequently, indeed, I saw persons in there drinking.

Q. First tell, as to this place, where these demijohns were; who used that place as regards persons employed about the library? A. Well, all persons were likely to go in there; my duty there was to put away the papers every morning; the daily papers.

Q. That was the part of your duty that took you into that place? A. Yes.

Q. And in reference to making it a convenience for your lunch-basket and hat? A. It was in his office where these demijohns were.



Q. I am asking as to the place, as to what use you made of it, if any? A. Yes, I used it for my lunch-basket, and my wraps, and I was frequently called in there for various purposes.

Q. Was the washstand in there? A. Yes.

Q. Now, just state to the Board when you first observed that there were any considerable quantities of liquor used in there? A. It was during the session of the Legislature that I first observed it.

Q. The beginning or the latter part of it? A. Well, it was not right at the beginning, but it increased, and, at the latter part there was a great deal more of it than at the first; in the early part I observed it to a certain extent, but towards the latter part there was a great deal more drinking than in the early part of the Legislature.

Q. You speak of demijohns being in there; how many, and what sizes were those demijohns; how much would they contain? A. I remember a four-gallon demijohn, and a two-gallon demijohn, and a one-gallon demijohn.

Q. Three of them? A. Yes, three of them.

Q. They were kept in this place? A. Yes.

Q. In that part of the library? A. Yes.

Q. Go on and state to the Board the extent to which that room was used as a place for drinking; state it in your own way, as to what you observed, and as to how frequently people would go in there, and as to the number of people that you would see in there? A. Well, I observed that they would go in, three or four together, and it was an hourly occurrence during the latter part of the Legislature, persons would go in the office; I have gone there for my hat and wraps when I would have to withdraw.

Q. On account of what? A. On account of the drinking.

Q. On account of the room being full of men drinking there? A. Yes.

Q. During what length of time did that continue; you say that at first it was not so much a custom to use that room for that purpose; during the latter part of the session, how many weeks, or how many days, did this continue; this going into that place hourly, as you express it; how many days or weeks did that continue? A. It continued until the close of the Legislature.

Q. Through how many weeks before the close of it had it become so that it was a regular resort? A. Well, I should say the last month of the Legislature.

Q. Now, during that last month of the session of the Legislature, how frequently during the day, for instance, would men go into that room, and what number—I mean into that portion of the library? A. Well, they went in very frequently. I could not say just how many I would see go in there during a day, but it was a very large number of persons. If I had kept an account of the persons that went in there during a day it would be a very large number, because they went in frequently in twos, threes, and fours together.

Q. How many did you see enter together at any one time? A. From eight to ten is the largest number I ever saw enter it at any one time.



Q. You say that you think that there were as many as eight or ten at a time? A. Yes.

Q. Entered at one time? A. Yes.

Q. What were the facts in reference to smoking—filling the room with tobacco smoke? A. Well, there was considerable smoking, too.

Q. Was it a matter of frequent occurrence that you had occasion to go there, when you did not go there on account of the room being full of men drinking? A. It did not occur but a few times.

Q. How did the men go in there; which way did they go into that part of the library? A. Through the general library.

Q. Through the general entrance to the library? A. Yes.

Q. Would they retire and go out that way? A. Yes.

Q. How many times did you see liquor taken into that library—into that portion of it? A. Only once I saw it brought in there.

Q. How was it then taken in? A. Through the entrance to the office—to the private office.

Q. Through the private office? A. Yes.

Q. How was it taken in? A. It was carried in by a gentleman, but I do not know who he was. It was early in the morning when he brought it in. I do not know who he was.

#### *Opening and Detention of Letters.*

Q. You were in the library in January of this year? A. Yes.

Q. State what you recollect about a letter being brought into the library addressed to Hon. R. O. Cravens, if you recollect anything of such a circumstance? A. I recollect one morning being in the office, and as near as I can tell the date, it was the twenty-first of January. It was near that time. I was at my table, and a Wells, Fargo messenger came in with a letter in his hand, and I arose from the table and stepped forward and received the letter. On looking at it, I noticed that it was addressed to Hon. R. O. Cravens. I heard Mr. Wallis coming from the Law Library, and I stepped on down and said to Mr. Wallis, "Here is a letter for Mr. Cravens that has been left here," and he passed on into his office, and I went back to my table. In a short time after that I went into Mr. Wallis' private office to ask him some trivial question about some matters in regard to the library, and he was sitting at his table writing, and he said to me, after I had asked this question, he said, "I just threw that letter into the fire that was left here for Mr. Cravens. I am not going to keep any more of his letters or take care of them."

Q. State whether or not a letter came to the library some time in February, addressed to you, that had been tampered with, and if so, state all the circumstances in reference to that letter? A. On the twenty-fourth of February, Mr. Wallis sent me word that there were three letters and a package in the library for me. He sent word by my mother, having met her at Mrs. Armstrong's.

Q. Where were you then? A. I was at home; it was when I was sick, and I was not in the library. My mother came back and told me, and I got a gentlemen to go over—sent a gentlemen over—to the library to bring me my mail. On opening one of those letters I



discovered that the seal had been broken. I will not say that this has been done by any one intentionally; it might possibly have been done by the writer having opened it after writing the letter. I wanted some one else's opinion as well as my own to know whether that seal had been broken, so I showed that envelope to three or four different persons and asked them their opinion as to the seal having been broken.

Q. Who are they? A. I showed it to Mr. Maslin—Mr. S. P. Maslin; also to Mr. R. M. Clarken and to Mr. C. E. Gunn.

Q. You say that you were notified that the letter was in the office? A. Yes.

Q. By Mr. Wallis? A. Yes.

Q. What were the marks upon the letter—the indications that it had been opened?

Mr. JOHNSON—We would like to see that letter. The letter itself is the best evidence, and we object unless they show the letter.

The Board sustained the objection.

Mr. HOLL—State what became of that letter, as far as you know; what became of the letter and the envelope? A. Well, I gave it to Judge Holl—the envelope, and a portion of it that I had still in my possession.

Q. State whether that is a portion of the letter [handing a paper to the witness]? A. Yes; I recognized it at once.

Q. Just state how it happened to be in the condition in which it is now? A. I wished to send it to the writer of the letter, and as I only had a small envelope at the house I cut it down to send it and sent that portion.

Q. State whether that is in the condition that it was at the time you received the letter—the indications there?

Mr. JOHNSON objected, as immaterial, irrelevant, incompetent; and further, that the witness has testified that she has herself intentionally destroyed and mutilated this piece of evidence, and therefore she is not entitled to give testimony in relation to it; she is not entitled to give testimony in relation to this until she produces it all.

Mr. EDGERTON—The Board are unanimously of the opinion that the testimony is admissible. It does not appear at this stage of the examination that this lady destroyed this or mutilated this paper for the purpose of manufacturing testimony. The testimony is admissible, subject to her explanation of the mutilation. The objection is therefore overruled.

Mr. HOLL—Now, look at it and just state? A. Yes; that is the condition it was in when I received it.

Q. Now, state how you opened the letter when you received it; in what manner and how you observed it or discovered it?

Mr. JOHNSON—I desire to add to the objection that this is not all of the envelope, and that the balance of the envelope is in her possession.

Mr. HOLL—The portion you had is the portion you gave to me? A. Yes.

Mr. EDGERTON—Do you mean to state that you have the remainder



of that envelope? A. No, I do not; my answer was that the portion that I had in my possession I gave to Judge Holl, and that is it.

Q. This is the portion? A. Yes.

Q. The rest of it is not in your possession; do you know where it is? A. After I cut it off I did not keep any track of it at all.

Mr. HOLL—Now there is a sealed envelope; just show to the Board of Trustees how you opened that letter, and how you discovered that? A. The envelope had a stamp on. There was a stamp on the envelope here [indicates], and it stiffened the paper a little, and in opening it I held it in my hand this way [indicates], and the way I opened it, it tore right around the stamp.

Q. Tearing the stamp off? A. In taking hold of it I took hold of it that way [indicates], and it tore it in that way. That is the way I happened to discover it, and this is the portion of the envelope that looked a little strange to me [indicates]. Then I tore it off in that way, to look underneath at the seal, and this is the seal of the envelope.

Q. That is at present in the condition in which it was after you tore off the other end of it? A. Yes.

Mr. EDGERTON—Is it possible that you might have torn that yourself down there when you opened it? A. I do not see how it is possible.

Q. You do not think it is possible? A. No; I do not think it is possible at all.

Mr. HOLL—Take that envelope and satisfy yourself whether you could have torn it in that way, and how you could do it without knowing it. Take that envelope. How could you, by tearing off this, as you have shown—how could you have torn that part of it without knowing whether you did it or not? A. No; certainly not. I do not think it is possible. Of course it is not possible.

Q. When you exhibited this letter to the gentlemen you have named, was the envelope complete then, except the tearing that you had done? A. No; I had cut it off to send it away, I think, before I showed it to any one.

Q. Before you showed it to any one? A. Yes; I think it was in that condition when I showed it to the gentlemen—in the condition it is in now.

Q. Where did that letter come from? A. That letter came from San José.

Q. Who wrote it? A. Mr. Owen.

Q. Did you learn yourself of Mr. Owen after you cut it in that way—did you send it back to him or did you not? A. No; I did not send it. After cutting it off to send it I concluded that I would keep it myself.

Q. You did not return it? A. I did not return it.

Q. What was your object in cutting off the portion of the envelope that is not now here; did you have any other reason than because it was too large to go in the envelope that you wanted to inclose it in? A. No; there was no special reason, only it was considerably torn on the outside of the envelope, and it would take room, and it would



have to be folded in, and I thought that was all I wanted to show him.

Q. Was there any other reason than that that you had? A. No; that is all.

Q. State whether, on or about the second day of April of this year, a letter came through Wells-Fargo's Express office to the library addressed to you, and what the facts were with regard to that letter being delivered to you? A. On the morning of the third of April, when I came into the library I found a Wells-Fargo letter laying on my table. On opening that letter I found that I should have received it the day before—twenty-four hours earlier than I did. I went into the Law Library and called Mr. Gunn and Mr. Frank Freeman, and I said—

Mr. JOHNSON—Was Mr. Wallis there? A. No.

Mr. JOHNSON—We will make no objection to it.

A. I wanted to find out what was the cause of the delay; whether the delay had been here in the library or in the delivery, and that was why I went to Mr. Frank Freeman and Mr. Gunn. I said to Mr. Freeman, "Did you lay a letter on my table?" He said "No." He said that I need not ask him any questions; that he was not going to criminate anybody. I found out that he had not laid it there, so I went down to the Secretary of State's office and telephoned down to Wells-Fargo, stating that I had received a letter that should have been delivered to me sooner, and I wanted to know the cause of the delay. They telephoned back to me that the messenger was not in and they could not tell me. Between twelve and one o'clock on that day I called at Wells-Fargo's office and saw the messenger boy, and he told me that he had delivered my letter on Monday morning, the second of April.

Mr. HOLL—To whom? A. He did not there tell me to whom. I came back to the library and I asked Mr. Wallis why it was he had not delivered the letter to me the day before, and he said "I know nothing about your letter." I then went down to the Secretary of State's office and telephoned to the messenger—had a telephone sent, rather—"To whom was my letter delivered yesterday morning, and at what hour?" They answered, "At nine o'clock, to Mr. Wallis, in his office, sitting at his table."

Q. What time did you say you received that letter? A. I received—

Q. As compared to the time when you were informed that it had been delivered to Mr. Wallis sitting at his table? A. It was twenty-four hours later before I received it.

Q. Twenty-four hours after that? A. Yes.

Q. Did you ever ascertain who laid that letter on your table? A. Well, I believe Mr. Brown afterwards told me that he laid it on my table.

Q. Who was Mr. Brown? A. Well, he was a gentleman that was around the library a good deal, and he used to work for Mr. Wallis I think. I do not know whether he was employed by the Trustees to do anything or not, but I know he was around here a good deal.

Q. Just state what Mr. Brown said about the letter, and what



occurred, if anything, in reference to Mr. Wallis and others talking about that letter, and what you know about Mr. Wallis asking Mr. Brown as to what he knew about that letter. State the whole circumstance.

Question objected to and withdrawn.

Q. State what you heard Mr. Wallis say, if anything, or what question he asked Mr. Brown in reference to that letter? A. I do not know what question he asked Mr. Brown. I know he called him into his office. I know Mr. Brown went into his office, and the door was locked—closed.

Q. What time was this as regards your receiving the letter? A. It was in the afternoon after I had telephoned down the last time.

Q. Had you talked with Mr. Wallis then at that time about the letter? A. Yes.

Q. Had you had any controversy with him about the letter not being delivered in time? A. Yes.

Q. There was some little difficulty about it? A. Yes.

Q. Then what occurred? You say he called Mr. Brown into his office. Just state, now, what there was peculiar about the matter of his calling Mr. Brown into his office, as far as you know? A. I know that he called Mr. Brown in, and the door was closed and locked, and Mr. Brown came out of his office—out of the other door opening into the hall, and came back into the library at the front door, and Mr. Wallis opened the door of his office and called to Mr. Brown as he came in—"Did you see any letter laying around here for Miss Patton?" He said: "Yes; I saw one and laid it on her table this morning." Mr. Wallis said: "You hear, Miss Patton, that Mr. Brown laid your letter on your table?" I said I thought that it was a very strange proceeding.

Q. Just before that occurred you say Mr. Brown went into Mr. Wallis' office and the door was locked?

Mr. JOHNSON—She has answered that question.

Mr. HOLL—Which way, then, did Brown leave the office? You mean that Mr. Brown must have gone out through the door that goes into the corridor? A. Yes; there is no other way for him to get out of there.

Q. And then returned through the other door? A. Yes.

Q. How soon was that after he went into the office when the door was locked? A. Not to exceed fifteen minutes.

Q. What was the custom in the library as to the delivery of letters? To whom were they delivered, and how were they distributed around among the employes of the library—the mail that came there? A. The mail that came when we were not here was generally left in the office until we came.

Q. Just explain where it was left, whether there was any place that you could go and look for your mail? A. Sometimes it was left on the table, and at other times it was in the delivery box at the side of the door.

Q. On this morning, before you found the letter on your table, did you look for any mail in the library for you—any letters? A. Yes;



when I came on Monday morning I looked in the box, and looked around on the table, and on the high table that stands there also, to see if there was any mail for me, as it was Monday morning and I had not heard from the Post Office over Sunday, and I found none.

Q. Were those the places where the mail was usually left if any was received? A. Yes.

Q. Did you look at all the places where you would usually find your letters? A. Yes.

Q. And that Monday morning was the morning that you learned that the letter was delivered to Mr. Wallis? A. Yes.

*Deportment of Librarian.*

Q. You stated in the first of your testimony that you had been in the library for how long? A. Since May 1, 1882.

Q. Over a year? A. Yes.

Q. Of course you were during that time most of the time in the library, were you? A. Yes.

Q. You saw a great deal of Mr. Wallis while you were in that position? A. Yes; I saw him, of course, all the time that he was in the library.

Q. State what you know, from your observation, in reference to Mr. Wallis indulging in loud and unseemly talk in the library, as to whether it was such conversation as attracted the attention of people? A. Well, he has a very loud voice and he used it around the library in the same loud tone that he usually does, and it was commented upon very frequently.

Q. Can you give any instances particularly? A. I remember of one instance, in particular, when he was in the Law Library, and he was talking very loud, and on a rather disagreeable matter, and a lady was sitting by the side of me, and she said, "Is not that awful?"

Q. State what you know, if anything, in reference to his general conduct in reference to matters pertaining to the library, and his disposition to interrupt you in your business, or at times when you were engaged in proper subjects about the library with people, as to his conduct towards you in those matters—not as to you, particularly, but generally as to his conduct? A. Well, he seemed to be very prying in his disposition, and very frequently would intrude himself when I was talking to strangers, persons visiting the library.

Q. In what way? Explain that fully, how that came about, as far as you can? A. Well, he would often come up and speak to me, and ask me questions that certainly were unnecessary at that time.

Q. On what occasions would this occur; when persons were present in the library, and when you were engaged in talking to them about library matters—visitors? A. Yes.

Q. State how he conducted himself at such times? A. Well, I do not know anything more.

Q. Tell just what you remember about it, and what the facts were in reference to his intruding himself and making remarks out of place? A. It was noticeable to others as well as myself.

Q. Persons visiting the library? Have you seen considerable of



the library and of Mr. Wallis, and have you heard criticisms from those people upon his conduct as wanting in capacity and dignity in that position?

Mr. HINKSON objected, as hearsay, incompetent, and improper, and the objection was sustained.

*Opening and Detention of Letters.*

Mr. HOLL—Referring to the letter that came through Wells, Fargo & Co.—just look at those and tell me whether those are the letters that were inclosed in that envelope? A. Yes.

Mr. HOLL—I offer in evidence this portion of the envelope heretofore referred to in this testimony, and marked “A.”

Mr. JOHNSON objected, as irrelevant, incompetent, immaterial, not responsive to any issue in this case, and it has been mutilated by this witness.

The objection was overruled by the Board.

Mr. HOLL—Those are the letters that were inclosed in the Wells-Fargo envelope? A. Yes.

*Cross-examination.*

Mr. JOHNSON—Have you the letter that came in the envelope that you say was opened? A. No, I have not.

Q. Do you know what has become of that letter? A. I do not.

Q. Do you think you could find it if you looked for it? A. Well, I have looked for it, and have not succeeded in finding it.

Q. You have looked for it? A. Yes.

Q. You have not succeeded in finding it? A. No.

Q. Do you remember who it was from? A. Yes.

Q. Whom? A. Mr. Owen.

Q. J. J. Owen? A. Yes.

Q. A Trustee of the State Library? A. Yes.

Q. He is the same gentleman that the letter was from that came through Wells-Fargo? A. Yes, one of the letters that came by Wells-Fargo; there were two.

Q. Two in the envelope? A. Yes.

Q. He was the author of one of them? A. Yes.

Q. Did you send the letter back to Mr. Owen—the one you say that came in the envelope that you say was opened? A. No.

Q. But it is unfortunately lost? A. Yes.

Q. Of course accidentally? A. Well, I do not know.

*Drinking in Library.*

Q. Do you know State Senator Maddox of Santa Clara County? A. I do.

Q. How do you know that these people drank liquor in the private office of the State Librarian during the session of the last Legislature? A. I saw them drink it.

Q. How do you know it was liquor? A. Well, it looked like it.



- Q. Did you ever drink any of it yourself? A. No.
- Q. You are sure of that? A. Yes.
- Q. Did they ever drink any champagne there? A. Yes.
- Q. Did you ever drink any champagne there? A. Yes.
- Q. More than once? A. No.
- Q. Only once? A. That is all.
- Q. You never drank any liquor there of any other kind? A. No.
- Q. Did you have Mr. Wallis go and get some for you and bring it there on purpose, one time, the last week of the Legislature? A. Yes, I remember that; I remember that I was sick one morning and he went out and got some whisky in some person's office, but it was not the last week of the Legislature.
- Q. When was it? A. It was before I was out sick.
- Q. Was that during the session of the Legislature? A. Yes.
- Q. Why did he not get some out of his own office? A. There had been too many calling at his office, I suppose.
- Q. That is what you suppose? A. Yes.
- Q. Did he go into his office and look for some? A. I do not know all that Mr. Wallis did.
- Q. That is not what I asked you? A. I do not know whether he did or not.
- Q. Had you been to look? A. No, I do not think I had.
- Q. You were sick and needed some liquor, and you asked Mr. Wallis to get some, and he got some? A. I did not ask for any liquor; I was feeling very ill, and I thought if I had something to warm me I would feel better, and Mr. Wallis went out and got some whisky; I guess it was whisky; I really could not tell whether it was whisky or something else.
- Q. I am not finding any fault about it; I am asking the questions for another reason. Did he at that time go into his own office to look for some liquor for you. A. Not that I know of.
- Q. Did you go in there? A. No.
- Q. Now, just reflect a moment, and see if you did not go in the office yourself to look for some liquor—into his private office, in the closet? A. No, I did not.
- Q. You are sure of that? A. Yes.
- Q. How much did you offer Mr. Wallis to assist him to pay for the liquor that he had there during the session of the Legislature? A. I did not offer him anything to assist him to pay for it.
- Q. Did you not offer him forty dollars to assist him in paying for it? A. No.

*Opening and Detention of Letters.*

- Q. Do you know Henry Edgerton, a Trustee of the State Library? A. Yes.
- Q. Did you ever have a conversation with Mr. Edgerton in reference to the opening of these letters? A. Yes; I think I did.
- Q. Did you have a conversation with him after the filing of the first charges and before the filing of the second charges, in reference to these letters? A. Mr. Edgerton, I forget. Did I speak to you before these charges were filed or afterwards?



Q. I want the best of your recollection? A. I do not remember. I think it was before the charges were filed.

Q. Before any of them were filed? A. Before any of them were filed, I think.

Q. Are you certain of that? A. I am not certain of it, but I feel that it was before that time.

Q. Just refresh your recollection, and study it up a moment, and see if you do not now remember, upon reflection, that it was after the charges had been filed, and that the charges had been published, and that the conversation between you and Mr. Edgerton was in reference to the charges that had been filed? A. No; when I told him of these letters it was in the library sitting at my desk, and it must have been before that time, because I was not there afterwards.

Q. In the course of that conversation did you make any statement to Mr. Edgerton in reference to the letters? A. I do not remember what I told Mr. Edgerton.

Q. You do not remember? A. No.

Q. Did you or did you not, in the course of that conversation, say that you made no complaint of Mr. Wallis except in reference to one letter? A. I did not say anything of the kind that I remember of.

Q. What did you say to him in reference to that letter? A. I think I told him the circumstances about the letters.

Q. All of them, the same as you have detailed them to-day? A. Yes—I do not know as it was as fully; I may not have stated it as fully as I have to-day.

Q. As a matter of fact, do not you know that you did say to Mr. Edgerton at that time that all in the world you found fault with Mr. Wallis about was in reference to one letter? A. I said nothing of the kind to Mr. Edgerton, to my memory.

Q. Were you employed in the library at the time you say this letter had been opened? A. Yes.

Q. Were you employed in the library at the time you say this letter, that you say came through Wells-Fargo, was delayed? A. Yes.

Q. Did you have any conversation with Mr. Wallis in the presence of Mr. Gunn at that time? A. Yes, I think Mr. Gunn was present.

Q. Did you at that time say to Mr. Gunn, in the presence of Mr. Wallis, that you wished he would show you how you could send Mr. Wallis to the State Prison? A. No, I do not remember of saying that.

Q. What did you say? A. I do not remember my conversation.

Q. You do not remember it? A. No.

Q. Do you know John W. Armstrong of this city? A. Yes.

Q. You remember having a conversation with Mr. Armstrong right after the Wells-Fargo letter trouble, in which you told Mr. Armstrong that you knew that Mr. Wallis had not been opening any letter of yours, and that you were sorry that you had made any talk or trouble about it? A. No.

Q. Did you have any such conversation with Mr. Armstrong after the complaint on your part or in reference to the letter which you say had been opened? A. I had a conversation with Mr. Armstrong,



but I did not say that I did not believe that Mr. Wallis had not opened it.

Q. You are sure you did say that? A. Yes.

Q. Which letter was that in reference to, or after which letter was it that you had the conversation with Mr. Armstrong? A. After which letter?

Q. Yes? A. It was after both the letters.

Q. After both of the letters? A. Yes.

Q. In neither of these conversations, you say, you did not tell Mr. Armstrong that you knew Mr. Wallis had not opened any letter, and that you were sorry that you had made any trouble about it, and that you were sick, and that was the reason that you had made so much fuss? A. I never said that I did not think Mr. Wallis——

Q. Did you say any of these things that I have repeated? A. I do not remember entirely my conversation with Mr. Armstrong, but I remember having an interview with him and talking the matter over, and telling him that the letter had been opened. I did not claim that the Wells, Fargo & Co. letter had been opened. It was the other letter that I was talking about, and he said that there were a great many around the office, and there might have some one opened it in the office.

Q. Did you at that time, or did you not, tell him that you knew that Mr. Wallis did not open the letter, and that you were sorry that you had made such a talk about it, and that you were sick, and that was the reason why you had been so excited and angry, or words to that effect? A. I probably told him I was sick and angry at the time, because I was, but I did not say that I did not believe that Mr. Wallis opened the letter.

Q. Did you say that you were sorry that you had made such a statement? A. I do not remember saying it.

Q. You know Frank Freeman in the library? A. Yes.

Q. Did you accuse him of opening the letter? A. No.

Q. Did you use to him this language, as he came into the library when you were talking: "Well, I believe you opened the letter, Frank?" A. No; I did not.

Q. Nothing of that kind? A. No; nothing of the kind; I never intimated any such a thing.

Q. Did you say to Mr. Frank Freeman that you would just as leave believe that he opened the letter as to believe that Mr. Wallis opened the letter? A. No.

Q. Nothing of the kind? A. No.

Q. You are positive of that? A. I am.

Q. You know Mr. Gunn, the deputy in the library? A. Yes.

Q. Did you ever go to Mr. Gunn, and through him seek to apologize to Mr. Freeman for your language to Mr. Freeman? A. No.

Q. Are you sure of that? A. I am sure of that. The only language I used to Mr. Freeman on the subject I have given in my testimony—the only words ever spoken between us about the letter—but I never, for a moment, thought that Mr. Frank Freeman opened the letter, and I never said it.



Q. I am not asking for your thoughts? A. I did not express any such a thing as that, either.

Q. State now as to whether after that matter your relations were or were not friendly with Mr. Freeman? A. Mr. Freeman was not friendly with me after that.

Q. Because of your language to him? A. No; it was not because of my language to him. It was only the sentence that I have given you.

Q. Is that all that you have said? A. Yes.

Q. That is nothing for a man to get mad at? A. That is what I thought.

*Conspiring Against Librarian.*

Q. Did you have a conversation with Mr. Frank Freeman in the month of July, 1882? A. I presume I have had several.

Q. At your table in the general room, in which you asked Mr. Freeman if he thought his cousin, Trustee Freeman, could be prevailed upon to vote to turn Mr. Wallis out of his position as Librarian, and in which you told him that it all rested on Mr. Freeman's vote, and that if Mr. Freeman would vote to turn out Mr. Wallis that Mr. Gunn would be elected Librarian, and that Mr. Freeman would be given the Law Library? A. I do not know how I could promise him all those things.

Q. That is not what I asked you; I asked you if you had such a conversation? A. I remember having a conversation with Mr. Frank Freeman on the subject upon which you are asking me, but I do not remember of any such statement as that. I can state what I do remember of the conversation, if you desire it.

Q. First answer my question and then state whether you had the conversation that I have detailed to you—whether you asked him if he could get his cousin to vote that way—as to whether or not you asked him if he could get his cousin, Trustee Freeman, to vote to expel or turn out Mr. Wallis from his position as Librarian. I will ask you it one at a time. Did you make that request of him, and ask him to inquire and see and let you know? A. Well, I do not think that I said to inquire and see and let me know. Anything of that kind I do not think occurred. I remember of making this remark to Mr. Freeman: We were talking about the work that Mr. Gunn did in this office, and I said that it seemed to me that the man who furnished the brains for the institution and did the work ought to have the honor and the salary for doing it. I remember of that, and of conversing further with him also about his cousin, but just what was said I do not remember.

Q. Is it not simply astonishing to you that your memory is so poor in reference to these matters that I have asked you about? A. I do not know why it should be. That occurred over a year ago, and it was not a matter that I ever expected to rehearse again. It was talked in confidence, and we were talking freely of library matters, and Mr. Freeman criticised as freely as I did, and, of course, if Mr. Freeman wants to tell it, I have no objection.

Q. You have not answered the question as to whether or not you



asked Mr. Frank Freeman at that time if he thought his cousin, the Trustee, could be prevailed upon to vote to turn Mr. Wallis out of his position as Librarian, and whether or not you also asked him to inquire and see? A. I cannot tell whether I did or not. I think if Mr. Frank Freeman remembers it in that way, I will take his word for it.

Q. If Frank Freeman remembers it in that way, you will take his word as true? A. Yes.

Q. Do you know Mr. A. C. Freeman, the Trustee? A. Slightly.

Q. And you know J. J. Owen, the Trustee? A. Yes.

Q. Did you have a conversation with Mr. J. J. Owen and Mr. A. C. Freeman in this room in reference to turning Mr. Wallis out of his place as Librarian? A. No; I did not.

Q. Did Mr. Owen have a conversation with Mr. Freeman in your presence in reference to that? A. I do not remember that.

Q. Just please tax your memory—some time last Fall, in the month of October of last year, Mr. Wallis thinks? A. I do not think Mr. Owen was in Sacramento in the month of October.

Q. You remember being in this room with Mr. Owen and Mr. Freeman? A. Yes; I do.

Q. You remember of their having a conversation at that time about the library and about the Librarian? A. No; I do not remember a conversation about the Librarian or the library, except one sentence that I said to Mr. Freeman.

Q. Did Mr. Freeman come to the library at that time in answer to a note that you sent him? A. I never wrote a note to him in my life.

Q. Sent word to him? A. To come to the library?

Q. Yes? A. No; not to my knowledge.

Q. Did Mr. Freeman come in pursuance of your invitation at that time? A. To the library?

Q. Yes. A. No; he was in the Law Library that day, and he came of his own accord.

Q. In the course of the conversation at that time did, or did not, Mr. Owen, in your presence, state to Mr. Freeman that it was advisable to have a change in the Librarian, and ask him to assist, or words to that effect, in making the change in the Librarian? A. No; he did not.

Q. Nothing of that kind? A. No.

Q. You are certain of that? A. Yes.

Mr. JOHNSON—I ask permission to give the exact language when Mr. Freeman returns; I cannot give the exact language until Mr. Freeman gives it to me.

Mr. EDGERTON—There is no objection to that.

Mr. JOHNSON—Do you know of your own knowledge of Mr. Owen calling upon other members of the Board in reference to making a change in the Librarian?

Mr. HOLL—Objected to as incompetent, irrelevant, and not in cross-examination.

Mr. EDGERTON—They can make her their own witness, and that will give you the privilege of cross-examining her.

Mr. JOHNSON—We think it is cross-examination; it bears on the



motives of Trustee Owen, and her; we propose to show an explanation of these charges, and to show that she sent Owen to interview other members of this Board, and we propose to follow it up by proving that Mr. Owen called on other Trustees at her request.

Mr. EDGERTON—With that understanding the objection is overruled.

A. I do not.

Mr. JOHNSON—Did you send Mr. Owen, or request Mr. Owen to go and interview any other member of the Board in reference to removing Mr. Wallis? A. I did not.

Q. Did you have any conversation with Mr. Owen in that regard, about seeing other members of the Board, to remove Mr. Wallis? A. I did not.

Q. Did not you tell Mr. Owen to go and see Mr. Edgerton in reference to removing Mr. Wallis, and after he had the conversation with Mr. Edgerton, did he not report to you the conversation between them? A. No.

Q. Just reflect a moment and see now if he did not do that, and state to you what Edgerton had said to him? A. No.

Q. Did not you tell Mr. Gunn and Mr. Frank Freeman that such had been the case? A. No; I do not remember anything of the kind.

Q. Did not you tell Mr. Frank Freeman that it was all right, that Owen had seen Mr. Edgerton? A. No; I did not say anything of the kind.

Q. Nothing of the kind? A. No.

Q. Did not you tell him it was all right? A. No.

Q. Did not you tell him that the Board of Trustees were all right except Mr. Freeman? A. No; I did not.

Q. What did you tell him about that? A. I do not remember telling him anything about the Board.

Q. Who wrote these original charges? A. I did not see them written and I cannot tell you.

Q. Did not you write them? A. No; I did not.

Q. You did not write the original charges in this case and show them to Mr. Howard Johnson and Mr. Prentiss Maslin prior to the meeting of the Library Board? A. I did not write them. I showed them the charges.

Q. When? A. To Mr. Maslin and Mr. Johnson?

Q. When? A. The morning of the twenty-sixth of July.

Q. The morning of the day that the charges were preferred, was it? A. Yes.

Q. Before the meeting of the Board? A. Yes.

Q. In whose handwriting were those charges that you showed Mr. Johnson and Mr. Maslin? A. I think it was a copy that I had made of them; I am not certain.

Q. When did you make that copy? A. I made it here on the twenty-sixth of July, in the morning.

Q. As a matter of fact did not Mr. Owen make a copy from that which you had that morning himself? A. No.



Q. Did not he get the legal cap paper from the Law Library and sit down; did you not go in that morning to the Law Library and get legal cap paper and come back to the table and sit down there, and Mr. Owen sit down there, and copy upon legal cap paper the charges that were already in your handwriting, and which had been exhibited by you to Mr. Johnson and Mr. Maslin? A. No.

Q. You are sure of that? A. Yes.

Q. How did you come to have those charges—a copy of them—before they were preferred to the Board? A. Because they were given to me.

Q. When? A. The morning of the twenty-sixth.

Q. That is the first time you had seen them? A. Yes.

Q. How early in the morning? A. I came here about nine o'clock.

Q. Were they given to you before nine o'clock or after? A. After I came to the library.

Q. By whom? A. By Mr. Owen.

Q. Then you made a copy of them? A. Yes.

Q. Then what did you do with the original? A. I gave it back to Mr. Owen.

Q. When did Mr. Owen arrive in the city; do you know? A. I do.

Q. When? A. The twenty-fifth.

Q. What time of day? A. On the half-past seven train.

Q. In the evening? A. Yes.

Q. Did you see him that evening? A. Yes.

Q. Did you see the charges that evening? A. No.

Q. Did you converse with him in reference to the charges that evening? A. No.

Q. Not at all? A. No; the charges had not been written.

Q. Did you converse with him in reference to preferring charges that evening? A. I might have conversed with him upon the subject-matter of those charges; I presume that I did.

Q. Did you converse with reference to the charges being preferred against Mr. Wallis on that evening? A. I think Mr. Owen told me he thought he would prefer those charges that evening.

Q. Is that all the conversation you had about it? A. I do not know that that was all.

Q. Why will you not answer the question right plump and plain. Did you, or did you not, on the evening of the twenty-fifth, after he came in the city, converse with him and assist him in preparing those charges? A. I did not.

Q. You did not converse with him at all about it? A. I did converse, but I did not assist.

Q. Did he write them in your presence then? A. No.

Q. Did you furnish the information upon which the charges were based? A. Some of the information I furnished.

Q. That evening? A. No.

Q. When did you furnish it? A. I think the day before.

Q. In what manner—by letter, or by telegraph, or by word of mouth? A. I think there was only one thing in those charges that I had told him. It might have been that evening or the day before that I told him.



Q. Did you see him the day before? A. Yes.

Q. Where? A. In San Francisco.

Q. Did you talk with him in San Francisco about preferring the charges? A. No.

Q. Not at all? A. No.

Q. Nor he to you? A. No.

Q. Do you know Colonel Flourney, of San Francisco? A. Yes.

Q. Did you see him at the time you were in San Francisco, at the time you saw Mr. Owen, during that visit? A. Yes.

Q. Did you or did you not tell Colonel Flourney, in San Francisco, at that time, that Mr. Owen would prefer charges against Mr. Wallis, or that you intended to prefer charges against Mr. Wallis? A. I told Colonel Flourney that there were some things, if brought against Mr. Wallis, would be injurious to him.

Q. Will you answer the question? A. That is my answer.

The reporter read the question.

A. I answered it to the best of my ability. I do not think I told Colonel Flourney that he intended to prefer charges, but I may have done it; but I know I said that we had matter that, if brought against him, would be serious.

Q. Did not you tell him, as a matter of fact, that Mr. Owen would prefer charges against him? A. I might have told him; I am not positive.

Q. Do you know W. A. January, the State Treasurer? A. Yes.

Q. Was he on the train going to San Francisco when you went down? A. No.

Q. Did you meet him in San Francisco the next day? A. No.

Q. Did you see him the next day? A. I saw him on the train coming home.

Q. Did you have any conversation with him about this matter of the charges? A. No.

Q. None at all? Did not you have any conversation with Mr. January about these charges? A. No.

Q. Did you have a conversation with Mr. Owen on the morning that the Board met, or about half-past twelve on that day, prior to the preferring of the charges? A. About half-past twelve on the twenty-sixth?

Q. Yes; the day the charges were preferred? A. I do not think I did.

Q. Did you have a conversation with Mr. Owen like this: He came out of the room where the Board had been in session, but before the Board was in session; he came out of Mr. Wallis' private office, and you asked him if he had read the charges to Mr. Wallis, and he said, "Yes," and you asked him what effect they had upon him, and he said, "None whatever." And you said, "I will show him what I can do when I get in," or something to that effect? A. No.

Q. You had none of that conversation with Mr. Owen? A. No.

Q. Did Mr. Owen come out and say anything to you at that time, prior to the meeting of the Board, and after he had had the conversation with Mr. Wallis? A. Mr. Owen can answer for himself. I



do not remember what he did. I do not remember whether I saw him after he had seen Mr. Wallis, or not.

Q. And before the Board met? A. I do not remember whether I saw him after that or not. I do not know. I do not remember.

Q. Then you did not have the conversation with Mr. Owen that I have detailed, in which you asked him if he had read those charges to Mr. Wallis, and he said "Yes," and you asked him what effect it had upon him, and he said "None whatever?" A. No.

Q. Nothing of that kind? A. No.

Q. Do you know Walter Drew of this city? A. Yes.

Q. Did you write him a postal card some time in the month of July, requesting him to meet you at the State Treasurer's office? A. Yes.

Q. Did you have a conversation with him in which you sought to get information in reference to warrants, so as to use it, as you said to him, against Mr. Wallis? A. Yes.

### *Opening and Detention of Letters.*

Q. Did you have a conversation with Mr. Cravens in reference to Mr. Wallis opening his letters? A. Not about the opening of his letters.

Q. Did you have any conversation with him at all in reference to letters? A. Yes.

Q. When was it? A. I think it was in the last part of July.

Q. Of this year? A. Yes.

Q. Is that the first that you had had a conversation with him? A. Yes.

Q. The first that you had said to him about it? A. Yes.

Q. Is Mr. Owen any relative of yours? A. No.

Q. Did you receive letters more than these two from Mr. Owen, during the time you were in the library?

Mr. HOLL—We object to that.

Mr. JOHNSON—The object is to show that she did receive letters from him, on an average of one a day, during the entire time she was there, and to show that no other letter had ever been interfered with; they would probably amount to about one a day during the entire time that she was in the library. It bears on two propositions: first, that in this enormous mass of correspondence, there was but one letter that was interfered with; and, second, it bears on the question of the conspiracy between these two people to injure Mr. Wallis.

Mr. HOLL—I have no objection to their showing it for the purpose of showing that there was but one letter opened out of so many. It may be competent for that purpose.

Mr. EDGERTON—We think it is not in cross-examination, and the objection is sustained.

Mr. JOHNSON—Do you know when Mr. Owen's wife died? A. Yes.

Q. At what date was it that she died? A. I do not know the date.

Q. Can you tell the month? A. It was in last July, I think.

Q. Of this year? A. Yes.

Q. You remember whether it was the fore part or the last part? A. It was before the middle of July, I should think.



Q. Do you save all your letters? A. Not always.

Q. Have you saved your correspondence with Mr. Owen? A. Some of it I have.

Q. Not all of it? A. I do not know that I have.

Q. Have you saved the correspondence you had with Mr. Owen in the months of June and July of this year? A. I may have some of the letters at home; I do not know; I cannot tell until I look and see.

Q. Do you know whether or not you have the letters in your possession and the telegrams that were written and sent to you by Mr. Owen immediately preceding, at the time of, and immediately succeeding the death of his wife? A. I have not the telegram, I do not think; I do not know.

Q. But as to the letters, do you know whether you have got them? A. I do not. As I said before, I can tell by looking over my letter files.

Q. Can you tell by an examination? A. If I see the letters I can tell.

Q. Can you tell by an examination of your effects whether or not you have those letters? A. Yes.

Q. Can you tell by an examination here in Sacramento, or must you go to San Francisco? A. My letters are not in San Francisco.

Q. Your letters are here? A. Yes.

Q. I respectfully request that you examine and see if you have the letters received by you immediately preceding, at the time of, and immediately succeeding the death of Mrs. Owen. Have you any letters in your possession with the envelopes on them, so that I can see how they were?

Mr. HOLL objected, as irrelevant, and the objection was overruled.

A. Yes, I think I have.

Mr. JOHNSON—Will you bring some at the next meeting of the Board? A. Yes.

Q. Did you get more than one letter at the time that you got this one that you think had been opened? A. Yes.

Q. How many others? A. Two others.

Q. Did you open them? A. Yes.

Q. Do you know how you opened them? A. I know I usually open them by tearing off the ends.

Q. I ask you if you remember how you opened them? A. No; I do not remember just how I opened them.

### *Drinking in the Library.*

Mr. HINKSON—Miss Patton, you spoke of having drank champagne in the library; where did you drink that champagne? A. I drank it in the office.

Q. With whom? A. With Mr. Maddox.

Q. Senator Maddox? A. Yes.

Q. Was Mr. Wallis present? A. He came in; yes.

Q. What time in the day was it that you drank the champagne? A. It was about seven o'clock in the evening.

Q. How long were you and he there together drinking champagne?



A. I suppose we were there half an hour or three quarters altogether, counting the different ones that came in.

Q. Was the library closed at that time? A. No; it was open.

Q. Was the Legislature in session or adjourned? A. The Legislature had adjourned.

Q. Did you ever drink in the private office at any time with Mr. Owen? A. No; I never did.

Q. Did you ever furnish Mr. Owen with liquor back there? A. No.

Q. Did you ever see Mr. Owen drink any of Mr. Wallis' liquor? A. No.

Q. Did you ever invite any one to drink in the office yourself—any other gentleman? A. No; except Mr. Maddox.

Q. No one except Mr. Maddox? A. No.

Q. Did you ever invite any correspondent of any newspaper to drink in the office yourself? A. Yes; I remember at the time that I invited Mr. Maddox that I said to Mr. Townsend, of the Call, that we had a bottle of champagne and invited him to call in.

Q. One bottle for three of you? A. Yes; one bottle.

Q. You and your friends had your jollification and drinking when Mr. Wallis was not there? A. Mr. Wallis was there, and he came in and drank.

Q. He was more sociable than you. He joined you in your jollification, but you did not join with his friends when he was drinking? A. No; his friends and mine were of a different class, and I did not.

Q. What was the character of his friends? A. Well, if I judged all that went in there to drink it was rather a mixed class.

Q. Now, is it not true that nearly all of the gentlemen that drank with Mr. Wallis were State officers and members of the Legislature? A. I do not know whether they were or not members of the Legislature; I never saw any State officers in there drinking.

Q. You have given us your judgment about the class. If you do not know whether they were State officers, how do you know that it was mixed? A. I judged by their appearance.

Q. Have not you often seen State officers in there drinking? A. State officers?

Q. Yes; State officers? A. I do not think I ever saw State officers.

Q. Did you ever see Mr. January drink in there—the State Treasurer—drink in that office. A. I think I have.

Q. How often? A. I do not know that I ever saw him drink in there more than two or three times; I do not remember positively.

Q. Did you ever see Governor Stoneman drink in there? A. No.

Q. Did you ever see Governor Stoneman in there when they were drinking? A. No.

Q. Did you see Mr. Thompson drinking there—the Secretary of State? A. No.

Q. Did you ever see Mr. Dunn, the Controller, drinking in there? A. No.

Q. Did you ever see General Cosby drinking in there? A. No.



Mr. HOLL—Did you ever see Mr. Hinkson drinking in there? A. No.

Mr. HINKSON—I will state, for the information of the gentleman, that I have drank there.

Q. Do you know that a State officer drank very often there? A. I only know that he drank when I have seen him.

Q. Did you not tell Mr. Wallis not to let him have any more liquor, that he was getting too much? A. No; I told Mr. Wallis what Mr. Murphy told me to tell him.

Q. What did he tell you? A. He told me to tell him to stop allowing the State officer to go in there, and if he kept anything in there to stop it; not let him have any, and I told him.

Q. I will ask you again, do you not remember of inviting the correspondent of the San Francisco Post in to drink? A. No.

Q. Are you positive of that? A. Yes; I am positive.

Q. Did not you ask him to come in and get some "cold tea" in the library? A. No.

Q. Did not you, in view of the fact that the correspondent of the Post had been writing some correspondence commendatory to yourself, invite him in to drink, and did not you tell him to tell Mr. Wallis to let him have something to drink whenever he wanted? A. No; the correspondent came in one day to see if he could get a drink, and it was closed.

Q. Did he try to open the door? A. Yes.

Q. You spoke of there being a mixed crowd in there—tell me who were there drinking? A. I could not tell who they were. I did not know them.

Q. You only know that they were a mixed crowd from their appearance? A. Yes.

Q. Were they gentlemanly appearing men? A. I could not say that they were not gentlemanly appearing.

Q. What peculiarity did you observe in the crowd that led you to observe that it was a mixed crowd? A. I think when there are eight or ten gentlemen drinking and smoking, that it is very different from one person and gentlemen whom you consider your friends.

Q. That is the only reason you have for believing that it was a mixed crowd? A. No.

Q. What other reason have you? A. From their appearance.

Q. You say from their appearance. Have you any other reason, and if so please state it? If you have any other reason why you think that it was a mixed crowd, please state it? A. I said that from their appearance I judged them to be a mixed crowd.

Q. Were not they a genteel appearing class of gentlemen in there drinking? A. Some of them were not exceedingly so.

Q. How did they average; were they men of average appearance for respectability? A. I suppose so. They came from a Democratic Legislature. I suppose that would speak enough for them.

Q. You thought it was a fair average for a Democratic Legislature? A. Yes; very fair.

Q. Did not you take Mr. Moffatt, of Los Angeles, in there and treat him? A. No.



Q. Did you ever see Mr. Moffatt drink in there? A. No; I do not remember of seeing him drink in there.

Q. Did you ever see Mr. Cravens drink in there? A. No.

Q. Did you ever see him in there when a crowd was drinking? A. I do not think I ever saw him in there with a crowd.

Q. Was he one of the mixed crowd that you have ever seen in there at any time? A. No.

*Opening and Detention of Letters.*

Mr. HOLL—The letter, of which a part is here—

Mr. JOHNSON—There is no letter here.

Mr. HOLL—I want to ask you whether that envelope bore marks by which a person could tell where it came from, and whether it came from a particular place, and whether there was a business card or something of that kind on the outside?

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, and leading, and that the envelope itself is the best evidence, and that she having destroyed the envelope intentionally, she is not to be permitted to testify in regard to it.

The objection was overruled by the Board.

A. Yes; it bore the stamp of the Mercury office.

Mr. HOLL—Who publishes the Mercury? A. Mr. J. J. Owen.

Q. It bore the stamp of the office of the newspaper of which he is the publisher? A. Yes.

Q. From that, Mr. Wallis or anybody else knew that that letter came from the Mercury office? A. Yes.

Q. Now I want to ask you a question that I ought to have asked you on your direct examination, and I will have to ask the permission of the Board to let me put a leading question to avoid asking a great many questions. Did you ever state to anybody in the City of Sacramento, or elsewhere, that the reason Mr. Wallis desired your resignation was, that he had made improper proposals to you, and that you had rejected them, or language implying anything of that kind. Did you ever make such a statement to anybody in the City of Sacramento or elsewhere? A. No; never.

Q. I also wanted to ask you in your direct examination, but it escaped me—tell whether you ever saw Mr. Wallis in the library when he was under the influence of liquor? A. I saw him once when he was considerably under the influence.

Q. The letter that came through Wells-Fargo—did that bear the stamp—the same stamp that the other letter did on the outside? A. No.

Q. That did not? A. No; that was in a Wells-Fargo envelope.

Mr. JOHNSON—When was that you say you saw Mr. Wallis under the influence of liquor? A. It was during the Legislature.

Q. The fore part or the last part? A. I can tell you what occurred that day, and you probably can remember just when it was. It was the day that they voted whether this cabinet should be removed or not. That was the day.

Q. And the bill to remove it was defeated, was it not? A. Yes.



Q. And he felt glad over it, or was he sorry, or do you know anything about it? A. I do not know anything about Mr. Wallis' feelings in regard to that.

Q. Do you remember whether it was morning, noon, or evening? A. It was about four or five o'clock in the afternoon that I saw him. It might have been a little later.

Q. Do you know T. W. Sheehan, of the Record-Union—Col. Sheehan? A. Yes; I have met him.

Q. Did you ever have any conversation with him about Mr. Wallis? A. No.

Q. None whatever? A. No.

Q. Do you know John N. Larkin, of the Sacramento Leader? A. Yes.

Q. Did you ever have any conversation with him about Mr. Wallis and the reasons for your removal? A. Yes; I had an interview with Mr. Larkin.

Q. Did you have a conversation with Col. Sheehan in reference to Mr. Wallis and the reasons for your removal from the library? A. I never had any conversation with Mr. Sheehan; I have not seen the gentleman I do not think since this occurred.

Q. Since what occurred? A. My removal.

Q. Did you make to Mr. Larkin a statement such as Judge Holl intimated in his question to you in reference to the cause of your removal? A. No.

Q. Do you know John A. Sheehan, one of the editors of the Leader? A. Yes, I have met him.

Q. Did you have any such a conversation with him? A. No.

Mr. HOLL—You said that you wanted to make a statement to the Board? A. I merely wanted to ask the question how they knew those letters were from Mr. Owen—any letters that I might receive; I would like to know how they knew they were from Mr. Owen.

#### TESTIMONY OF MRS. ZIMMERMAN.

Called and sworn on behalf of the prosecution.

Mr. HOLL—What is your name? A. Simply call me Mrs. Zimmerman; I simply want to pass for Mrs. Zimmerman.

Q. What is your name? A. Mrs. Zimmerman.

Q. Do you know Mr. Wallis? A. Yes, I have known him for a number of years.

Q. The State Librarian? A. Yes.

#### *Opening and Detention of Letters.*

Q. Did you meet him at one time on the cars going from here to San Francisco, when he spoke to you about matters connected with the library; did you have any such a conversation with him; did you meet him on the cars and did you have a conversation? A. Some time in July—



Q. Of this year? A. Of this year. I started on the early morning train and I met Mr. Wallis at the corner of Seventh and K Streets. He stopped and shook hands with me. We are old acquaintances and old friends, and he said, "I want you to call up at the library after you come back; I have some business that I wish to talk to you about." I looked at him very much surprised, and I said, "What is it?" He said, "I cannot tell you now, but I wish you would call." I said, "By the way, I am going to San Francisco, Mr. Wallis." He said "I am going, too." I was very much surprised at his requesting me to come to the library on business, because he had been a great friend of mine and I have come here for books for years. On the train he came in, and I was sitting with a lady, and he sat down on the arm of the seat, and we had a short conversation on the train going to San Francisco. He did not state his business to me, why he wished me to call at the library, but I talked with him about his trouble and about this investigation, and I felt very badly about it, because I thought a great deal of Miss Patton and a great deal of Mr. Wallis, and they were both great friends of mine. I said, "By the way, Mr. Wallis, what about the letter that they said that you opened of Miss Patton's?" He said, "There is a true inwardness about this story, and at the investigation it will all come out, but do you suppose that I would allow letters to go into the library and I deliver them out, and in those letters there are charges made against me—a conspiracy being carried on, and I not know about it?" I looked at him, thinking that he still had the letter in his possession and still undelivered, and I made no other remark about it. That is the very language that man used to me. I am positive.

Q. Who was present with you? A. A Mrs. Glascom—I think that is her name. She lives on J Street, over Cohen's carpet store. Whether she heard it or not I cannot say. She was looking out of the window, and there was a Mr. Lavenson, an ex-member of the late Assembly, sitting right behind me. If he heard it or not I do not know. We talked together, Mr. Lavenson and myself, and he came and sat down near me and we talked over the matter, and I felt bad about this trouble and we talked about it. He did not remark to me that he heard our conversation, and I did not ask him, but I think he heard it.

Q. Who is Mr. Lavenson? A. Mr. Lavenson? His name is N. K. Lavenson, 605 Clay Street, San Francisco.

Q. What business did he have, if any, here last Winter? A. He was an Assemblyman.

Q. An Assemblyman from San Francisco? A. Yes.

Q. And he lives where? A. At 605 Clay Street, his office is. I took his address that day because I had some business that I wished him to attend to in San Francisco.

Q. Have you stated all the conversation in reference to the letters? A. I have, sir.

Q. That you had at that time with Mr. Wallis? A. I have, sir.

Q. That was the whole of the conversation about it? A. His answer hurt me so that I did not speak about the letter again.



*Cross-examination.*

Mr. JOHNSON—

The WITNESS—Well, may I be allowed to say something here? It would be some explanation in regard to some of the other charges, and as I am called here, I would like to make it.

Mr. EDGERTON—You need not make it.

Mr. JOHNSON—Pardon my question, but I always understood your name was Mrs. Holton?

A. I believe the law of the land allowed me a marriage certificate, and gave me the name of Zimmerman, so that I am Mrs. Zimmerman.

Q. Did you not teach school here in Sacramento for awhile? A. That is my business; yes.

Q. When you taught in Sacramento City, it was Mrs. Holton? A. I was not John B. Zimmerman's wife then.

Q. Were you not Mrs. Holton then? A. Yes.

Q. You have been married since you quit teaching school? A. I was married in eighteen hundred and something.

Q. You do not remember when? A. No.

Q. Do you know where your husband is? A. I did a few days ago; he left here on Monday to attend to some property that we have a few miles from here; I expect him back on Saturday.

Q. Did you have any conversation with Mr. Wallis after this romantic episode on the cars? A. I never met the gentleman since; oh, excuse me; I came to the library on this particular business that he wished to see me on, and had a short conversation in the office room, but it was not in regard to the library.

Q. None whatever? A. None whatever.

Q. Did not you have a conversation with him in the presence of Frank Freeman, in reference to this unfortunate trouble between him and Miss Patton, and Mr. Owen? A. That was not a private conversation.

Q. I ask you if you had a conversation? A. Yes.

Q. In the course of that conversation, did you say that you could settle all the difficulties between them? A. I did not; but I said I would try.

Q. Did not you say you could? A. I said I would try, and I did try. I have been to one or two of the Trustees. I did not write to Mr. Owen, because I did not think that I had any influence with Mr. Owen. But I went to Mr. Edgerton, and I went to Mr. Johnson.

Q. Which Mr. Johnson? A. Trustee Johnson.

Q. You considered that you had influence with those gentlemen? A. Not that I had influence, but I considered that maybe if I talked to them they would use their influence with Mr. Owen and Miss Patton and Mr. Wallis, and settle this business, which I did not think ought to be carried on at all. As I said to Mr. Edgerton, I thought that the examination would only bring up bad feelings and bad thoughts, and I did not want to be used as a witness in it.

Q. Did you say anything to Mr. Matt. Johnson? A. I think I did. I told him that I wished he would see if he could settle the matter, and I asked him if he had any influence with Mr. Freeman. I did



not know Mr. Freeman at all, but I was acquainted with Mr. Johnson. I did not know Mr. Edgerton, but I introduced myself, because I have a great friendship for Miss Patton, and also for Mr. Wallis. They have been very kind to me in allowing me books. I said to Mr. Gunn and others that I wished I could settle it, but I did not know how to do it, only by talking to these people.

Q. Who spoke first when he came and sat down on the arm of the car seat, you or Mr. Wallis? A. I do not remember.

Q. Who spoke last? A. I do not remember. We were talking about different things.

Q. Who spoke about the library matter first, you or Mr. Wallis? A. I think I did; I am quite sure I did.

Q. Whom did you first tell about that first conversation? A. I told a lady in San Francisco.

Q. What lady? A. Mrs. Theald.

Q. A friend of Miss Patton's? A. No, I do not know. She may be a friend of hers; I do not know anything about that; people's friendships are so peculiar in this world.

Q. Did you ever tell Miss Patton about it? A. I never did. I have tried to find Miss Patton, but I could not find her.

Q. Did you ever tell Judge Holl about it? A. I did.

Q. When? A. When he called on me as a witness, and I tried to get him to settle this row, and I scolded about it terribly, and I said I did not want to be a witness.

Q. That is the first person you ever told about it—Mrs. Theald? A. I had not seen Miss Patton; I tried to find her.

Q. Have you ever told anybody else but Mrs. Theald? A. Yes, I have told one other person.

Q. Whom? A. I told J. J. Owen.

Q. When did you tell Mr. Owen? A. When I was in San Francisco a Chronicle reporter called on me. How they found out I was there, or why they thought I should know anything about this library, I do not know. He asked me some very peculiar questions, and some very ugly ones, about the drinking here, and I went on and told what I had seen and had heard, and then I went on and told him that the library was conducted on a very good plan, and when I found out that he was a Chronicle reporter I would not have anything to do with him, and he asked me about Miss Patton, and I would not reply, and it seems as if Mr. Owen had heard from some source that Mrs. Theald would make him a good witness, and I was visiting her, and Mr. Owen called on Mrs. Theald one morning—one Sunday morning—and it seems as if Mrs. Theald was an entire stranger to him, too, because I introduced her to him, and he seemed to be very much surprised to think that I was there, and he was talking to her and questioning her in regard to the library and the drinking there, and she said that she had drank whisky with Mr. Wallis there, and I know that I saw her do so myself, and I told her that I would not be so unladylike as that, as to drink whisky in a place like this. Mr. Owen told her that he did not want her as a witness, but he wanted me.

Q. That satisfied his perturbed spirits as far as that was concerned? A. I do not know. I did not know I was telling him anything so



very bad or so very good, but I told him the truth, and he said he wanted me as a witness, and I came back with the determination that if I could settle this trouble I would do so, and I have done my best and could not do it.

Mr. HOLL—At the time that Mr. Wallis made this statement about the letters to you, what was his condition for sobriety; was he entirely sober, or what was it? A. Well, Mr. Wallis has a very exuberant disposition—jolly; but I did think that he had been drinking whisky, as I kind of thought he had. It was very early in the morning. I do not wish to say that he had.

Q. Did you think that he was tight, or did you not; whether he was under the influence of liquor or not? A. Well, if it was my husband that was so jolly as he was, and if I could smell whisky on him as plainly as I did on Mr. Wallis, I would say he had been drinking, but I would not say to my husband that he was drunk, because he was not drunk, but he was very jolly—he was a little too jolly.

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#### AFTERNOON SESSION.

Mr. JOHNSON—We would like to have the name of Hon. J. S. Wallis added as one of the counsel in this case. We intended to do it yesterday morning, but it was forgotten.

Mr. EDGERTON—The reporter will make a note of that.

#### TESTIMONY OF MISS M. A. PATTON—Recalled.

##### *Untruthfulness of Librarian.*

Mr. HOLL—This forenoon, when you were on the stand, I forgot to ask you as to one matter upon which I desire to have your testimony. Were you present at any time when Mr. Wallis and Judge McKune talked over the matter of Mr. Wallis' election to the position that he now holds? Answer—Yes.

Q. Will you please state to the Board what Mr. Wallis said at that time in reference to the influences that induced some of the members of the Board to vote for him?

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, and not covered by any of the charges in this case, and that it all occurred prior to Mr. Wallis being Librarian.

Mr. HOLL—Subsequent to his election, I mean.

Mr. JOHNSON—It all occurred prior to his taking his office as Librarian. These conversations occurred prior to Mr. Wallis assuming the duties of Librarian, and therefore the matter is not covered by the charges, and it is not a proper subject for inquiry by this Board.

The objections were overruled by the Board.

Mr. HOLL—Please state what Mr. Wallis said in that conversation fully, and state all that you recollect about it? A. Mr. Wallis was talking of a party that stood on the outside of the door, that was determined that Mr. Edgerton should vote for Mr. Wallis. He said



that this party stood there, just as pale as a cloth, and that Mr. Edgerton came in just as pale as a cloth. That is the point that I remember about it in regard to Mr. Edgerton. He did not tell me the name of the party that stood on the outside.

Q. What further explanation did he make as to what caused this. Mr. Wallis, in that conversation with Judge McKune, represented that Mr. Edgerton came in as pale as a cloth? A. Yes.

Q. And he said that the man on the outside was as pale as a cloth? A. Yes.

Q. Did he explain why these gentlemen looked so pale? A. Well, the understanding I had of it—I have told you just what he said.

Mr. EDGERTON—Do I understand you that Mr. Edgerton came in as pale as a cloth? A. I have repeated the language, as I remember it.

Mr. HOLL—What brought about that conversation? A. It was a general conversation in regard to his fight, and he was telling how Judge Belcher went back upon him, and how Mr. Crane went back upon him, and that Mr. Edgerton was going to go back upon him, but he had promised this man, and this man would not allow Mr. Edgerton to go back on his word to him.

Q. Then, in connection with that statement, it was stated about these gentlemen being so pale—that followed immediately? A. Yes.

Q. Just go on and state about that; after he said that Mr. Edgerton was disposed to go back upon him—then what followed? A. Then he told us that there was a gentleman on the outside that stood there, and he was determined that Mr. Edgerton should stand by Mr. Wallis.

Q. What, if anything, was said about Mr. Edgerton coming in and looking pale?

Mr. JOHNSON—She has repeated that twice.

Mr. HOLL—How many of those conversations—more than one—did you hear between Mr. Wallis and Mr. McKune about this election? A. No, only one that I remember of.

Q. How long after the election of Mr. Wallis did this take place? A. It was last Winter that this conversation took place in his office.

Q. In whose office? A. In Mr. Wallis' office.

Q. This last Winter? A. Yes.

Q. Who was present at that time? A. Judge McKune and Mr. Wallis.

Q. Any one else except yourself? A. I do not think any one else was present; I am not certain that there was.

#### *Cross-examination.*

Mr. JOHNSON—Is not it a little singular that Judge McKune did not remember that conversation? A. I do not know.

Q. The Judge has been a witness here, and he has testified, and he put the conversation about nine or ten months before you put it. Is it at all singular that you and he should be so widely apart? A. I do not know; I think Judge McKune had more than one conversation with Mr. Wallis, did he not?



Q. The Judge said he only had two, and one took place the very day and the other about two weeks afterwards. You have located this one about nine or ten months after his election. Would not you consider it a rather singular matter that Judge McKune would not remember that conversation? Are you positive that conversation occurred? A. I am very positive of it.

Q. You did not dream it? A. No; I did not.

Q. You are sure of that? A. Yes; I am sure of that.

Q. Was it before or afterwards that the Legislature was in session?

A. It was before the Legislature was in session.

Q. Do you remember what month it was? A. No.

Q. Or whether it was Summer, Spring, or Fall? A. I remember it was a rainy day, and that it was late in the rainy season.

Q. Do you remember whether it was before or after the State Fair?

A. It was after the State Fair, I think.

Q. Do you remember what month the State Fair was held last year? A. September.

Q. Are you sure of that? A. No; I am not sure; I am quite sure it was in September.

Q. Do not you know as a matter of fact that they postponed it until October last year? A. Did they?

Q. Do not you know as a matter of fact that the State Fair last year was postponed until October? A. No; I do not.

Q. What is your best recollection about that? A. I am not bothering my memory with remembering anything about the State Fair. I think there was one here; I rather suspect there was.

Q. It is purely a suspicion, is it? It is not a certainty? A. I am quite certain there was a State Fair here.

Q. You are not certain as to the month? A. No.

Q. Now, was the name of any person mentioned at the time you say you had this conversation or heard this conversation between Judge McKune and Mr. Wallis? A. Mr. Edgerton's name was mentioned, and Mr. Belcher's name was mentioned, and Mr. Crane's name was mentioned.

Q. Anybody else? A. Yes; I think Mr. Owen's name was mentioned.

Q. Anybody else? A. No.

Q. Is that the only conversation you ever heard between Judge McKune and Mr. Wallis? A. No.

Q. I mean in reference to the proceedings attendant upon his election? A. Yes; that is the only conversation.

Q. Where did you say that took place? A. In the office.

Q. Whose office? A. Mr. Wallis' office.

Q. In the daytime or evening? A. Daytime.

Q. Were you in there on business? A. I was in there sitting by the fire, the grate.

Q. Somebody else was attending to your work then? A. No, there was no one attending to it.

Q. It was just running itself? A. Yes; it was cold in the room, and there was a grate there and I was sitting by the fire, and when anybody came in I came out and attended to them.



Mr. HOLL—What, if anything, did Judge McKune reply to Mr. Wallis at that time—what did he say to him? A. I remember of Judge McKune making this remark, that that was pretty hard to believe.

Q. Why? A. I do not know why, only it seemed unreasonable to him, I think.

Q. Was that the only remark that was made to Mr. Wallis by Judge McKune? A. No, it was not the only one.

Q. In reference to this matter? A. I do not remember of any other.

Q. Did he say why he thought it was unreasonable? A. No.

Q. Do you recollect the full answer now, the full remark that Judge McKune made at that time, as to why he thought it was improbable and a hard thing to believe? A. Yes, I do remember that he said that Mr. Edgerton was no coward, and he would not be influenced by any personal influence of that kind.

Q. That was the reason that it was hard for him to believe the statement? A. Yes.

*Conspiracy against Librarian.*

Mr. JOHNSON—You know where the Bee office is in this city? A. I could not tell you what street it is on.

Q. You have been there? A. Yes.

Q. Did you go there in company with Judge McKune, and ask Mr. McClatchy to insert some articles denunciatory of Mr. Wallis? A. I went to the office with Judge McKune.

Q. Answer the question: Did you ask Mr. McClatchy to insert some articles? A. I did not.

Q. Did Judge McKune? A. I do not know what Judge McKune said.

Q. Were not you there? A. He did not say anything to me.

Q. Were not you there at the time? A. I was; yes.

Q. Was your hearing as good then as it was when you say you heard this conversation? A. Yes, my hearing is very good.

Q. Did you hear that conversation? A. I refuse to answer.

Q. You do not choose to answer that question? A. No; let Judge McKune answer for himself.

Mr. HOLL objected, as not cross-examination.

Mr. EDGERTON—The Board thinks the testimony is admissible to this extent, so far as the witness is concerned, but not as to Judge McKune, because it is not in cross-examination.

Mr. HOLL—So far as she is concerned she has answered the question.

Mr. JOHNSON—Did you hear that conversation? Did you hear that conversation in the Bee office? A. Yes; I heard the conversation.

Q. Will you please repeat it?

Objected to.

Q. Did you accompany Judge McKune there or did he accompany you—that is, did he go at your request, or did you go at his request?



A. I think he said he would take me around and introduce me to Mr. McClatchy.

Q. Did you ask him to? A. I do not think I did.

Q. Was it voluntary on his part? A. I do not remember whether I asked him to go with me or not, but I do not think I asked him to go. He was talking about knowing Mr. McClatchy very well, and that he would go around with me and introduce me if I wished to go.

Q. Had you told him you wanted to go to see Mr. McClatchy? A. I do not think I did. Of course he knew I wanted to go.

Q. He knew you wanted to go to see Mr. McClatchy?

Mr. HOLL—State the conversation? A. Well, I cannot state the conversation, because I do not recall it.

Mr. JOHNSON—Do I understand you that you come here to testify to what Judge Holl tells you to testify to? A. No.

Q. You come here prepared to answer just such questions as he wishes you to answer, and to decline to answer those that he tells you not to, or do you come here prepared to answer any question that is put to you? A. I came here with the expectation of answering every question that is reasonable and that will have anything to do with this case.

Q. What did Judge McKune ask Mr. McClatchy in your presence? A. Well, I am unable to tell you what Judge McKune said to Mr. McClatchy in my presence, because there was a very long conversation, and to attempt to repeat all of it I certainly could not do it.

Q. Can you tell the substance of it? Can you tell us, generally, what it was about; whether it was in praise or in dispraise—to use the expression—of Mr. Wallis? A. It was not very flattering to Mr. Wallis, I do not think.

Q. Do not you know that it was quite denunciatory of Mr. Wallis? A. He was talking mostly—

Q. Just answer my question first. Do not you know that it was quite denunciatory of Mr. Wallis? A. Quite so.

Q. Were you not referred to every now and then by Judge McKune as being able to corroborate the statements he made? A. Yes.

Q. And did not you assent at those times? A. Yes.

Q. Now, let me ask you once again and see if we understand each other: are you able now to tell the Board as to whose idea it was, your calling with Judge McKune upon Mr. McClatchy, whether it was a voluntary move on his part, and that you went there at his suggestion and request, or whether you went there at your own suggestion and he accompanied you? A. It was arranged between us that we should go around there and have a talk with Mr. McClatchy. He was an old friend of his, and he thought in that way that he could assist me.

Q. Did he put the idea into your head first to call on Mr. McClatchy, or did you speak to him first, that you wanted to interview the newspapers? A. I might have done it myself. I might have said, that I would like to see Mr. McClatchy, but I do not remember positively of asking him to go with me, but I may have said I wished to see him.



Q. Is not it a little singular that you cannot remember that matter definitely. What month was that? A. It was in July.

Q. Of this year? A. Yes.

Q. Subsequent to your receiving a letter from Mr. Wallis announcing your removal, or expected removal? A. Yes.

Q. You remember these other matters that took place a year, and more than a year ago. Why is it that you cannot remember in reference to that? A. Well, there was a great deal said, and I did not bother my mind with it.

Q. I mean as to whether or not you asked Judge McKune to go with you, or whether he asked you to go with him. Why is it that you cannot remember that? A. Because it was not an invitation from either party. It came around in the conversation. He wanted to do all that he could for me, and he thought that in that way he could assist me, by going and making my statement to Mr. McClatchy.

Q. Was the matter discussed between you as to how it would assist you to make a statement to Mr. McClatchy? A. No; not especially as to how it would.

Q. In what manner did you expect it would aid you—in “bulldozing” the Board, or in having an influence over the Board, or in correcting Mr. Wallis, or in influencing Mr. Wallis, or in punishing Mr. Wallis? A. It was that others might not misrepresent me to the Bee. I wished them to understand my side of it. That was my intention.

Q. It was for your protection, and not for your assistance? A. If they chose to be of assistance, that was their—

Q. It was to protect you, and not to assist you? A. Well, protection is assistance.

Q. Did you ask him to publish any articles? A. No; I did not.

Q. Did Judge McKune, in your presence? A. No; he did not, but Mr. McClatchy told him if he would write an article he would publish it.

Q. That was all that was said about the article? A. Yes.

Q. Did he state that he would require his name to be signed to it? A. No.

Q. Was there an article published? A. I believe there did an article appear in the Bee.

Q. Did you furnish it? A. No; I did not.

Q. Do you know who furnished it? A. I think I do.

Q. Who was it? A. It was Judge McKune.

Q. Did you see it before it was published? A. Yes.

Q. Did you assist in correcting it or in changing it? A. No.

Q. Or to make it weaker or stronger? A. No.

Q. You yourself made no corrections or changes in it at all? A. None whatever.

Q. Do you remember the signature to it? A. Yes.

Q. What was it? A. It was “Silex.”

Q. You was satisfied with that article? A. Very well.

Q. You indorsed the article, and was willing that it should be published? A. Yes; I was willing.



Q. You approved its publication? A. I did not object to it.

Q. Did you approve it; were you satisfied that it should be published? A. Yes.

Q. And it was submitted to you before its publication? A. And I approved it.

Q. Did you, in connection with Judge McKune, prepare, or attempt to prepare, any other communication for the newspapers for publication? A. No.

Q. Did you visit the house of Mrs. Pockman in this city, in company with Judge McKune, and while there, prepare, or attempt to prepare, a communication for the papers? A. I never visited the house of Mrs. Pockman with Judge McKune, therefore, I could not have done it.

Mr. HOLL—I offer that article in the Bee in evidence.

Mr. HINKSON—I object to it, unless I have an opportunity to read the article.

Mr. HOLL—At what time did this matter occur, of going to the Bee office, as regards the time when this letter was written to you by Mr. Wallis? A. I received the letter on Tuesday morning, and on Saturday we went to the Bee office—the following Saturday.

Q. In this letter that you received, you had been attacked by Mr. Wallis as an incompetent person to discharge the duties of the position that you held in the library at that time, had you not?

Mr. JOHNSON objected, on the ground that the letter is the best evidence.

Mr. HOLL—Look at that letter, and see if that is the letter that you had received from Mr. Wallis, and whether that produced a desire upon your part to have the Bee understand your side of the question, on the controversy that is raised by that letter?

Mr. JOHNSON objected, as leading, irrelevant, immaterial, incompetent, and not responsive to any of the issues in this case.

The objection was overruled by the Board.

Mr. HOLL—Is that the letter? A. This is a copy of the letter that was sent to me; this is not the one that was sent to me.

Mr. JOHNSON—I object to it because it is a copy.

The Board sustained the objection.

Mr. HOLL—Is it a correct copy? A. It is a correct copy.

Q. Where is the original? A. At my house.

Q. Have you the original at your house? A. Yes.

Q. How long did you say that letter was received by you before you went to the Bee office as you have stated? A. I received it on Tuesday morning, and I went to the Bee office on the following Saturday.

Q. On the following Saturday? A. Yes.

Q. What did you desire the Bee office to do or to understand; what purpose did you have in going there; what was your errand there? A. That Mr. McClatchy might have an understanding of my side of the story, and of the case in regard to the troubles in the library.

Q. Your side of the difficulty that was referred to in this communication that you had received? A. Yes.



Q. And it was with that view that you went, and Judge McKune accompanied you? A. Yes.

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### TESTIMONY OF ALBERT HART.

Called and sworn on behalf of the prosecution.

#### *Correspondence of Library.*

Mr. HOLL—What position did you ever occupy in the State Library of California? Answer—Deputy Librarian for ten years.

Q. For how long? A. Nine or ten years.

Q. Who was Librarian at that time? A. W. C. Stratton.

Q. During the ten years you were in the library, under Mr. Stratton, who conducted the correspondence? A. Mr. Stratton.

Q. Of the library?

Mr. JOHNSON moved to strike out the last answer, as irrelevant, immaterial, and incompetent, and not responsive to any issue in this case, and not illustrative of any proposition advanced in this case.

Mr. HOLL—I propose to show by Mr. Hart, who was in the library, under Mr. Stratton, for ten years, that the Librarian, the principal man, during all that time, with very few exceptions, conducted the correspondence with foreign institutions, and with different States, in fact, the general correspondence that was required to carry into effect the system of exchange, and I also propose to prove it by Mr. Cravens.

At this point the witness was temporarily withdrawn.

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### TESTIMONY OF C. E. MILLER.

Called and sworn on behalf of the prosecution.

#### *Opening and Detention of Letters.*

Mr. HOLL—What position did you occupy last April? Answer—Letter Clerk for Wells, Fargo & Co.

Q. Did you deliver the letters? Was that a part of your business to deliver letters? A. Yes.

Q. You remember a certain occasion of an inquiry being made of you about that time, as to the delivery of the letter here, at the library, addressed to Miss Patton, and a telephone message being telephoned down to the office of Wells, Fargo & Co., making inquiry, and of Miss Patton calling there afterwards and making inquiries about it. A. No.

Q. Did you ever see Miss Patton in the office of Wells, Fargo & Co.? A. I believe I did, once or twice.

Q. You remember her calling there to make inquiries about a let-



ter? I simply do this to refresh your memory. A. No; I do not remember.

Q. Do you remember her calling there? A. Yes.

Q. Do you remember what her business was there? A. No, I could not say.

Q. How many times did you see her there? A. I believe it was twice.

Q. You remember what her business was at either time? A. No.

Q. Did you ever deliver any letters here in the office? A. Yes.

Q. Did you ever deliver any to her? A. Not to her personally. I delivered some to her house.

Q. Did you ever deliver any addressed to her here at the library? A. Yes.

Q. In April last, or about that time? A. No; I do not believe it was as late as that.

Q. Do you remember bringing a letter to the office that was addressed to Miss Patton and delivering it to Mr. Wallis, the Librarian; giving it to him? A. No.

Q. You have no recollection of it at all? A. No.

Q. Do you remember, about that time, of any inquiry being made of you as to whether you did deliver any such a letter—you remember of any inquiry being made? A. No; I do not.

Q. Do you remember the circumstance of the telephone being used from the Secretary of State's office to make any inquiry? A. No.

Q. You have no recollection of such a circumstance at all? A. No.

Q. Occurring at any time? A. No.

Q. You remember delivering a letter here, addressed to R. O. Cravens, some time in January of last year? A. No; I do not.

Q. Did any one else deliver letters from Wells, Fargo & Co. but you? A. Yes.

Q. Whom? A. A young man named Charles Gensler.

Q. During the same time that you were there? A. No.

Q. Were you engaged in delivering letters in January and April last? A. Yes.

Q. Did any one else during that time? A. No.

Q. In January, February, and April? A. No one but me.

Q. Do you remember whether you frequently delivered letters here? A. No; not at that time.

Q. At what time did you? A. When I first got the position—it was in the month of October.

Q. Of last year—1882? A. Yes; I brought two or three letters around here, and then Miss Patton said she would like to have them delivered at her house, and she would get them sooner than when I brought them here.

Q. You say you do not remember anything about any telephonic communication with the office? A. No.

Q. Or of any one in the office speaking to you and asking you about such a letter? A. No; not that I remember of.



## TESTIMONY OF FELIX TRACY.

Called and sworn on behalf of the prosecution.

Mr. HOLL—Do you remember of any inquiry being made at your office, through the telephone, about the delivery of a letter here addressed to Miss Patton in April last? Answer—No; those inquiries are made so often that I would not recollect any particular one.

Q. You do not now recall that particular inquiry? A. No; they telephone us very often from the office of the Secretary of State about business in the different departments in the Capitol. It might have occurred and I not recollect it.

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## TESTIMONY OF MISS M. A. PATTON—Recalled.

Mr. HOLL—Is that the messenger boy that told you when this letter was delivered here? Answer—Yes.

Q. Where was that, here or at the express office? A. At the express office.

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## TESTIMONY OF ALBERT HART—Resumed.

*Correspondence of Library.*

Mr. EDGERTON—The majority of the Board are of opinion that the evidence is not admissible. It is in evidence already that the larger part of this correspondence was conducted by Mr. Gunn under the supervision of Mr. Wallis. The fact that it was done by Mr. Gunn and under the direction of Mr. Wallis, coupled with the fact that somebody else pursued a different course, would not justify the inference that Mr. Wallis was incompetent. If you can show that he was incompetent, or that injurious consequences followed from it, I think it would be competent.

Mr. HOLL—During the time that you were in the library, under the law controlling the institution, whose duty was it to conduct the correspondence of the library, to establish the system of exchange, and for the purpose of conducting the correspondence?

Mr. JOHNSON objected; that the law was the best evidence, and that the question is irrelevant, immaterial, and incompetent.

The Board sustained the objection.

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## TESTIMONY OF R. O. CRAVENS—Recalled.

*Untruthfulness of Librarian.*

Mr. HOLL—Will you examine that record there, and see whether you can find the minutes of the Board of Trustees at the time that Mr. Wallis was elected? Answer—Yes.



Q. Who was Clerk of the Board at that time? A. I was.

Q. Did you keep a correct record of what transpired before the Board at the time of the meeting when Mr. Wallis was elected? A. I did.

Q. Does that contain a correct statement of all that transpired? A. It contains a correct record of the business of the Board.

Q. In his election? A. Yes.

Q. And the action that they took in relation to the election of Librarian? A. Yes.

Mr. HOLL—We offer that record in evidence.

Mr. CRAVENS—It was approved by the Board at a subsequent meeting.

Mr. HOLL—We offer it for the purpose of showing that Mr. Wallis made false statements of what occurred at that time before the Board of Trustees, and I ask that the record be read.

Mr. JOHNSON—We have no objection.

Mr. Cravens read the record of the proceedings of the Board of Trustees on February 28, 1882, as follows:

"CALIFORNIA STATE LIBRARY,  
"SACRAMENTO, February 28, 1882. }

"The new Board of Trustees, to wit: I. S. Belcher, W. W. Crane, Henry Edgerton, A. C. Freeman, and J. J. Owen, presented their commissions, and it also appearing that they had each taken the oath of office required by law, were called to order by R. O. Cravens, State Librarian and Secretary.

"The Board organized by electing A. C. Freeman President.

"A communication was received from the Republican Central Committee of the City of Sacramento, protesting against the election of Talbot H. Wallis State Librarian, on the ground that he is not a Republican; also, a communication from Albert Hart, presenting himself as a candidate for State Librarian.

"On motion of Mr. Crane, the communications were received, and laid upon the table for further consideration.

"Mr. Owen moved that the Board proceed to elect a State Librarian to fill the vacancy, which will occur on the expiration of the term of R. O. Cravens. Adopted.

"The following persons were named as candidates for State Librarian, viz.: Talbot H. Wallis, Albert Hart, E. C. Hart, J. V. Cheney, W. A. Cheney, and A. S. Bender.

"The roll was called, with the following result: For Albert Hart—I. S. Belcher. For A. S. Bender—W. W. Crane. For Talbot H. Wallis—Henry Edgerton, A. C. Freeman, and J. J. Owen.

"The President declared that Talbot H. Wallis, having received a majority of all the votes, was duly elected State Librarian.

"Mr. Belcher moved that the election be made unanimous. Adopted.

"Mr. Edgerton moved that the Board proceed to recommend subordinates. Adopted.



"On motion, N. E. White was unanimously recommended for Deputy in the Law Library.

"The following persons were placed in nomination for recommendation as Deputy in the General Library, viz: Miss M. A. Patton, Miss Kate V. Darling, and Mrs. M. D. Page.

"The roll was called, with the following result: For Miss M. A. Patton—Henry Edgerton, A. C. Freeman, and J. J. Owen. For Miss Kate V. Darling—I. S. Belcher. For Mrs. M. D. Page—W. W. Crane.

"Miss M. A. Patton having received a majority, was declared the choice of the Board for Deputy in the General Library.

"On motion, Frank Freeman was unanimously recommended for Porter.

"On motion, the Secretary was directed to notify the Librarian elect of his election, and also of the recommendation of subordinates.

"On motion, A. C. Freeman was appointed to audit bills against the State Library Fund.

"Adjourned to April 6, 1882, at one o'clock P. M.

"R. O. CRAVENS, Secretary."

Mr. HOLL—Does that contain all the motions that were made by the members of the Board? A. I think it does, sir.

Q. And a correct record of all the proceedings had in reference to the election of Librarian? A. Yes.

Q. And the action that was had upon it? A. Yes.

Q. What occurred at that election that is not in that record, if anything, in reference to the election of Librarian—in reference to any difficulty between the members of the Board about the election?

A. There was no difficulty between any members of the Board about the election.

Q. Did Mr. Owen get up in that meeting and denounce Mr. Edgerton because he did not vote for Mr. Wallis? A. No.

Q. Nothing of that kind occurred? A. No.

### *Cross-examination.*

Mr. JOHNSON—Was anything said by any members of the Board during the deliberations? A. There were some desultory conversations, but I did not think that it was proper to go into the records.

Q. You put in the business, and the motions that were made and carried about the business? A. Yes.

Q. Was not there a great deal of discussion? A. There was considerable discussion; there was some discussion, and something was said about the charges against Mr. Wallis, and something about his politics, and something about his qualifications.

Q. It was discussed at considerable length, was it? A. I do not know how long, whether an hour, or two hours, or half an hour; there was considerable discussion.

Q. You did not care about that; you was an outsider? A. I was an outsider.



Q. You rather enjoyed the discussion? A. No, I do not know that I did.

Q. There was some warmth displayed by some of the members? A. I do not think there was, Mr. Johnson; there was no criminations.

Q. I do not mean any unkindness? A. Of course Mr. Owen was a particular friend of Mr. Wallis, and he defended Mr. Wallis from those accusations that had been made against him.

Q. Did not he do it with a great deal of earnestness; that is a characteristic of the man? A. Yes; of course like any person who is acting in a representative capacity as the friend of another.

Q. Did not Mr. Freeman make a speech in reference to the political predilections and political record of Mr. Hart, in answer to remarks that were made by Mr. Belcher? A. Mr. Freeman made some remarks about Mr. Hart, that neither Mr. Hart, nor himself, nor some other members of the Board, had always been true.

Q. To their parties? A. To their parties.

Q. That all of you—Mr. Edgerton, Mr. Cravens, Mr. Hart, and Mr. Freeman—had all slopped over from the regular parties once in awhile? A. I do not know as it was about myself, but about some others who were present.

Q. That discussion, as you say, lasted a considerable length of time? A. There was considerable of it; yes.

Q. As a matter of fact, do not you remember that during that discussion some members of the Board left the room before the ballot was had, and then came back? A. I think so.

Q. Do you not, as a matter of fact, remember that Mr. Edgerton was called out and then that he came back into the room? A. Mr. Edgerton?—I am not certain. I think probably that Mr. Edgerton got up and walked the floor awhile, and Mr. Edgerton and Mr. Owen, or some two of the Trustees, walked back to the bookcase and had a little private conversation some time during the proceeding and then went out. I think very likely he did go out; I am not certain whether he did or not; perhaps some of the others did.

Q. All that you aimed to put in that record is simply what a Secretary ought to do; that is, a cold record of the business transactions? A. Yes.

Q. You have not attempted to give any remarks, nor any discussions, nor anything except what I have stated? A. No, in reporting proceedings of a Board for the newspapers it would be perhaps fuller than this.

Q. Do you remember that the newspapers did have an account of it? A. I do not remember whether they did or not; I did not furnish any.

Q. Do not you remember that they did have one? A. I think they did; but to what extent I do not remember. I think I was called on by some reporter of the press, and I said that I would not furnish it unless I had permission to do so—that I never would reveal the transactions.

Mr. HOLL—If Mr. Edgerton had made a motion to continue the



election of Librarian to some other time, and upon that motion Mr. Owen had made a speech denouncing Mr. Edgerton, and saying that it was done for the purpose of defeating Mr. Wallis, such a motion would appear in your record? A. Certainly, if such a motion was made.

Q. Was such a motion made? A. No; I think not.

Q. Was any such speech made, or any such motion? A. No; I do not think that matter was discussed. I do not think the subject of postponing the election was mentioned.

Mr. JOHNSON—Would that motion appear on the minutes unless it was put to a vote? If it was made, and not put to a vote, would it appear on the minutes? A. If it had been made as a motion, and seconded, it would have appeared.

Q. Suppose it had been simply made and no action taken on it? A. It might have been made as a suggestion, and not as a motion. It would not appear on the minutes if it was made as a suggestion, but if it came in the shape of a motion it would have been on the minutes.

Q. You remember whether any suggestion was made in reference to postponing? A. I do not remember of any.

Q. Do you remember whether Mr. Owen made any remark at that time about postponement, that a postponement meant defeat and opposition to Mr. Wallis, etc., or anything of that kind? A. I do not remember of anything of that kind; I do not remember of any discussion. I know Mr. Owen talked considerable, but I do not remember.

Q. Mr. Owen did the bulk of the talking at that meeting, did he not? A. Yes; I think Mr. Owen talked more than any one else.

Mr. EDGERTON—Was there the slightest disagreement between Mr. Owen and Mr. Edgerton on that occasion, in reference to anything in that meeting? A. Not on the surface, sir, so far as I could discern.

Mr. HOLL—You were Secretary? A. Yes.

Q. You kept the records of the business? A. Yes.

Q. If there had been any difficulty between any of the members there, that would have impressed itself on your mind? A. Yes; as to a postponement, there might have been some suggestion of that kind, but it never came in the shape of a business proposition.

Q. You do not recollect it? A. I do not recollect whether there was or not.

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#### TESTIMONY OF HOWARD JOHNSON.

Called and sworn on behalf of the prosecution.

Mr. HOLL—What is your position in the Secretary of State's office? Answer—Assistant.

Q. Were you here during the session of the last Legislature? A. I was, sir.

Q. Do you know Mr. Wallis, the Librarian? A. I do, sir.

Q. Have you been in the library frequently during last Winter? A. Yes; very frequently.



*Drinking in Library.*

Q. State to this Board what you know, if anything, about the library being resorted to by persons who desired to drink whisky—any portion of the library being used for the purpose of drinking. State what you know of it? A. Well, I cannot say that I have seen many people in Mr. Wallis' private office drinking.

Q. State what you did see? A. Well, I have probably seen three take a drink in his office.

Q. How often. How many times? A. Well, twice, I believe.

Q. Two different times? A. Yes.

Q. Where was that. What part of the library? A. In his private office.

Q. That was all during the session of the Legislature that you noticed people there drinking? A. Now, I cannot say whether it was during the Legislature, or after. I disremember.

Q. You disremember? A. Yes.

Q. Do you know of your own knowledge whether liquors were kept in that part of the building? A. I do.

Q. Have you any knowledge as to the quantity or the amount of liquors that are kept there on hand? A. Well, I have seen a demi-john of whisky in there.

Q. More than one at a time? A. I have seen demijohns there; other demijohns there, I think, but I am not positive what they contained.

Q. Such demijohns as whisky is usually contained in? A. It might have been wine.

Mr. HINKSON—Or vinegar?

*Deportment of Librarian.*

Mr. HOLL—He might have been trying to pickle something.

Q. You saw a good deal of Mr. Wallis during the time that you have been here in the State House? A. I have, sir.

Q. You have been in the library frequently and have seen Mr. Wallis here? A. Yes.

Q. And talked with him? A. Yes.

Q. You saw the manner in which he conducted himself as a State officer? A. Yes.

Q. What has been his conduct as a Librarian and as a State officer? What have you observed, if anything, that attracted your attention? A. Well, I have always observed that Mr. Wallis' manner was a little brusque, and that he was probably louder in his speech than he should have been.

Q. If your attention has been called to him by anything? A. I never considered him extremely courteous to visitors.

Q. Why not; what has he done; what have you observed about it that made you think so? A. Merely the mannerisms of being brusque, and judging from the man's character I supposed that he was a man that would ride over anybody if opportunity presented. That is merely my own judgment.



Mr. JOHNSON moved to strike out the answer, because it was a supposition on the part of the witness, and the Board directed it to be stricken out.

Mr. HOLL—I simply want you to state what you have seen in Mr. Wallis in reference to his manner of conducting himself and the business there. State if you remember of any circumstance which made an impression on your mind, and relate the circumstance instead of your impression? A. Well, I have noticed it very often with myself inquiring for books in the library and the answers that I received. In fact I was impressed that his——

Mr. BALL—Do not give your impressions, please. Tell us what he did.

Mr. HOLL—What was the peculiarity about the answers that he would give you. State what there was about his answers that attracted your attention? A. Well, I can only tell you that which impressed me. I do not remember any conversations that I had with him. I could not tell you the sentences.

Q. You do not remember the language that made the impression on your mind, but you remember the impression? A. I remember the impressions; yes.

*Cross-examination—Drinking in Library.*

Mr. JOHNSON—Did you drink at the time that you were in the office? A. Yes.

Q. Do you remember who else was there at that time? A. Yes.

Q. Whom? A. Mr. Eagan.

Q. John A. Eagan? A. No; Thomas Eagan, of the Secretary of State's office.

Q. Was anybody else there during the time? A. I do not think so, with the exception of Mr. Wallis.

Q. Was Mr. Shattuck there, the Deputy Secretary of State? A. I do not think he was, sir. If he was I do not remember it.

*Deportment of Librarian.*

Q. In asking for books, did you get the books that you wanted? A. Yes.

Q. Were they religious books that you were inquiring for? A. I have inquired for religious books very often, sir. I have used quite a number of them.

Q. Did you ever see anybody that, under a rough exterior, had a good heart? A. Very often, sir.

Q. And did you ever see anybody whose manner was somewhat brusque, who had really good intentions, and that it was simply his manner that was against him? A. I have, thousands.

*Opening and Detention of Letters.*

Mr. HOLL—Do you remember the circumstance of telephoning to the office of Wells, Fargo & Co. last Spring in reference to the delivery of letters here at the library? A. Yes.



Q. Just go on and state the circumstances accompanying that?

Mr. JOHNSON objected, as irrelevant, immaterial, and incompetent, and the Board overruled the objection.

Mr. HOLL—State what was the result of that telephoning? A. Last Spring, probably in the month of April, but I am not positive, Miss Patton came into my office, called me, and asked me if I would telephone to Wells, Fargo & Co.'s office and ask if there was a letter there for her—

Mr. JOHNSON objected, as irrelevant and incompetent, and the objection was sustained.

Mr. HOLL—Did Miss Patton come to you and request you to send a telephonic message to Wells-Fargo's inquiring as to the time when a letter was delivered at this office?

Mr. JOHNSON objected, as leading, irrelevant, immaterial, and incompetent, and the Board sustained the objection.

Mr. HOLL—State what Miss Patton requested of you in reference to sending a telephonic message to Wells, Fargo & Co.'s office making inquiries about a letter?

Same objection. Overruled.

Q. About the first of April. Did you receive any answer from Wells-Fargo? A. I did.

Q. Through the telephone? A. I did; yes.

Q. Did you communicate that answer to Miss Patton? A. I did.

Q. Do you know at what time that letter was delivered in the office of the State Library, as regards the time when Miss Patton received it? A. Of course I do not know. I know what Wells-Fargo's man telephoned back.

Q. Was it delivered by Wells-Fargo the same day that Miss Patton received it, or some other time? Do you know when that letter was delivered in the library? A. I do not know, except from hearsay.

Q. From what source did you get your information—what hearsay?

Mr. JOHNSON objected, as irrelevant and immaterial, and the objection was sustained.

Mr. HOLL—What did Miss Patton do, if anything, in reference to the matter after you communicated what you learned from Wells-Fargo?

Objected to.

Q. Do you know whether she made any statement to Mr. Wallis in regard to it?

Mr. JOHNSON objected to the question, as irrelevant, immaterial, and incompetent, and the objection was overruled.

Mr. HOLL—In reference to that message that you received through the telephone? A. I know of no conversation that occurred between Miss Patton and Mr. Wallis on the subject.

Q. Did you talk to Mr. Wallis about it? A. I have never spoken to Mr. Wallis on the subject—that is, on the subject of a letter—that I know of; in fact, I am positive.

Q. What did Miss Patton do in reference to the communication? Objected to.



Q. You did not hear any conversation between Miss Patton and Mr. Wallis? A. No.

Mr. JOHNSON moved to strike out all of the testimony of the witness in reference to the telephonic message by him for Miss Patton, or any statements in reference to any that were received by him, on the ground that the testimony is irrelevant, immaterial, incompetent, and hearsay.

Mr. HOLL—Did you receive a message from Wells, Fargo & Co. in reference to this letter? A. In reference to a letter—

Q. In reference to a letter that had been delivered?

The question was objected to, and the motion to strike out the testimony was denied.

Mr. HOLL—I offer in evidence, in connection with the testimony of Miss Patton, the article referred to from the Sacramento Bee of Monday evening, July 30, 1883.

The article was read in evidence as follows:

“THE STATE LIBRARY IMBROGLIO.

“EDITORS BEE: The dismissal of Miss Patton from her position of deputy, has developed some facts in connection with the office of State Librarian which should be generally known, and when known, would authorize, if they do not require, the Board of Trustees to dismiss Mr. Wallis from his position. The Board of Trustees were elected, as was supposed, in the interest of that gentleman, but when that Board held its meeting to elect a Librarian, it was painfully apparent to a majority of the Trustees that Mr. Wallis did not possess personal qualifications which would enable him to fill that office with credit, and two of the members, Messrs. Belcher and Crane, voted against him. Mr. Edgerton was, with difficulty, induced to vote with Messrs. Freeman and Owen. Before he was elected, Mr. Wallis surrendered to the Board his right to appoint his deputies, and Miss Patton and Mr. White were selected by a vote of the Trustees. The law gives the Librarian the right to appoint his deputies, and he now asserts the right of removal under circumstances not particularly creditable to him. His letter to Miss Patton, I shall assume, states his case fully and fairly against Miss Patton. That letter makes the following facts the basis of his request:

“*First*—Allowing books to remain off the shelves.

“*Second*—Misplacing books when returned to the shelves.

“*Third*—Not keeping the cases locked.

“*Fourth*—The door of art department not *immediately* locked on departure of visitors.

“*Fifth*—Failing to check off cataloguing cards.

“These are all the facts charged by Mr. Wallis against Miss Patton. They do not, if true, amount to charges; they hardly rise to the dignity of excuses for her removal. Now, the facts are that as to charge number one, it is not true. The books have been kept in place by Miss Patton. The cases have been kept locked, as a general rule, and no complaint was made and no confusion resulted. The recess of the art department is protected by wire screens and door.



The seat usually occupied by Miss Patton is near that door. When the recess was occupied by visitors, the Librarian or some deputy must open the door. Mr. Wallis directed Miss Patton to close the wire door *immediately* after a visitor left. To this Miss Patton objected as rude to the visitor, but the door was always closed as soon as politeness permitted. The books were kept in place by Miss Patton, and the universal opinion of those who visited the library was that her department was kept in order. When Mr. Wallis first took his place, he started in to make a catalogue, but he soon abandoned the project, and the whole matter was dropped. Why exhume that as an excuse? The matter of making a catalogue did not proceed, because the Librarian had no stomach for the labor, and perhaps because he had not the capacity to plan one. Mr. Wallis says in his letter to Miss Patton: 'I have laid this matter before a majority of the Trustees, who have indorsed the course I have determined to pursue.' Did Mr. Wallis state his puerilities to Judge Belcher, or Mr. Edgerton, or Mr. Crane, or Mr. Owen? Did either of these gentlemen state that he would consent to the dismissal of Miss Patton on such charges? I think not, and if not, it would seem that these gentlemen should insist that Mr. Wallis should be superseded in his place by some one who could state the truth in his official papers. Mr. Wallis says to Miss Patton: 'I have called a meeting of the Board of Trustees for Thursday, July twenty-sixth, at one o'clock P. M., to take action in the premises, when you will have ample opportunity to be heard.' When that time arrived Miss Patton appeared before the Board, expecting to have the action of Mr. Wallis reviewed, and the facts fully brought out. The papers have it that the Board refused to hear the matter. The fact is there were present Trustees Freeman, Edgerton, and Owen. Absent, Belcher and Crane. Messrs. Edgerton and Owen desired to hear the evidence. Mr. Freeman left his seat as Chairman, saying that the Librarian had that matter in hand, leaving the Trustees without a quorum. Mr. Freeman, at the time the Trustees selected the deputies, took part in it as Trustee. Now, he thinks the Trustees can have nothing to do with it. The cause of this change of heart is not apparent. It may, however, be developed further on in the drama, when the Librarian fills his vacancy. I would suggest that Mr. Owen revise his charges against Mr. Wallis, and add to them the charge that his statements are not to be relied on, if he shall find on inquiry, that a majority of the Trustees did not advise the removal of Miss Patton, without a hearing, and on the ex parte statement of the Librarian.

"SILEX."

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#### TESTIMONY OF S. P. MASLIN.

Called and sworn on behalf of the prosecution.

Mr. HOLL—Mr. Maslin, what is your first name? Answer—"S. P." are my initials.

Q. Where have you been employed since January of last year? A. In the Adjutant-General's office.

Q. In this building? A. In this building.



*Drinking in Library.*

Q. You know Mr. Talbot H. Wallis, the Librarian? A. Yes.

Q. Have you been in the library frequently? A. Very frequently.

Q. During last Winter were you there a good deal? A. Yes.

Q. State whether you, at any time, observed any drinking in any part of the library? A. Yes; I have.

Q. What place? A. The private office.

Q. State as clearly as you can about the extent of the drinking that you observed there? A. Well, the drinking I observed in there was twice, and the extent was to the amount of two persons—myself and one other.

Q. That is all? A. Yes.

Q. Did you drink there? A. I believe I did.

Q. Did you ever see anybody in that place drink when you did not drink yourself? A. No.

Q. Did you ever see persons go into that room? A. I have, a great many—every day that I have been there.

Q. Do you know what they went in for? A. That was something that did not concern me, and I did not ask.

Q. Did you ever observe what they would do after they got in there? A. I could not say.

Q. Do you know whether or not they went in there to drink some of Mr. Wallis' whisky? A. That is a matter of opinion; I do not know.

Q. That is a matter of opinion, and you do not know? A. Yes.

Q. You have an opinion about it? A. I suppose I have an opinion.

Q. A very decided one? A. I do not know whether it is decided or not.

Q. Did you ever talk with Mr. Wallis about the liquor, and whether he kept any liquor in there? A. No. I had no occasion to talk about it; I saw it there myself.

Q. How many times did you see it? A. Twice.

Q. You did not talk with Mr. Wallis about it? A. No; I did not.

Q. Did I understand you to say that you never did talk with Mr. Wallis in reference to his keeping liquor, or the amount of liquor that he kept in there, or the amount of liquor that was consumed in that place last Winter during the session of the Legislature? A. No; I never talked with him about it.

Q. Did he talk with you? A. No; he never talked with me.

Q. Did you learn from him in any way as to how much it was? A. I do not know as it was through him—not from him.

Q. From persons who represented him? A. No.

Q. Now, do I understand you that all that you know of your own knowledge about the drinking, or the use of liquor in the library, is that you were there with some one else twice and drank? A. That is all I know.

Q. Did you ever tell anybody that Wallis told you that he used thirty-five gallons of whisky during last Winter? A. No; I did not.

Q. Or any quantity? Did you tell anybody that Mr. Wallis told you that any particular quality was used? Did you ever talk with



anybody, and state that Mr. Wallis had said that certain quantities, naming the quantities, of whisky, had been consumed there.

Mr. HINKSON objected to the question, as leading, and the objection was overruled.

A. No, I never told any person that Mr. Wallis told me that there were thirty-five gallons, or any quantity of liquor used.

Q. Did you have any conversation with anybody, in which you spoke of conversations with Mr. Wallis in reference to the use of liquor in the library?

Mr. JOHNSON objected, as immaterial, irrelevant, and hearsay; and the objection was sustained.

Mr. HOLL—Did you ever tell Mr. Sheehan, of the Bee, that upon the matter of the charges in reference to the use of liquor made against Mr. Wallis, that you could sustain everything that was said in those charges? A. No, I did not.

Q. Did you ever state that to anybody?

Mr. JOHNSON objected, as irrelevant, immaterial, and too indefinite; that the witness is entitled to have the name of the person.

The objection was sustained.

Mr. HOLL—Did you ever have any conversation since these charges were preferred against Mr. Wallis, in the City of Sacramento, with any person, in which you stated that upon the matter of whisky you could sustain everything that was alleged against Mr. Wallis?

Same objection—sustained.

No cross-examination.

### C. E. GUNN

Was called by the prosecution, but he refused to attend.

### TESTIMONY OF J. J. OWEN.

Called and sworn on behalf of the prosecution.

#### *Opening and Detention of Letters.*

Mr. HOLL—Mr. Owen, it is in evidence that a letter was received from you in a stamped envelope, bearing the stamp of the Mercury office of San José, and addressed to Miss Patton—about, I believe, the twenty-fifth of February or the twenty-fourth of February it was received here. The first question I want to ask you is whether your attention was called to that letter by Miss Patton shortly after it was written? Answer—Yes.

Q. So as to fix your mind upon that particular letter?

Mr. JOHNSON objected to the question, as irrelevant, immaterial, and incompetent.

The objection was overruled by the Board.

A. Yes, my attention was called to that letter.



Q. Now, in reference to that particular letter, state whether when it left your office it was inclosed in an envelope that was perfect or in one that had been mutilated by yourself opening the letter? A. I received a note from Miss Patton—

Mr. JOHNSON objected, that the witness was not answering the question.

The WITNESS—It will be an answer before I get through. It was inclosed in an envelope that was perfect.

Mr. BALL—What was the date of the letter? A. I do not know; I do not remember the date exactly; it was shortly, I think, after the adjournment of the Legislature; I can explain now if you wish to hear me; it was shortly after the adjournment of the Legislature; the subject-matter of the letter related to—

Mr. HOLL—It was a letter that your attention was called to from the fact that it was supposed to have been opened? A. Yes.

Mr. JOHNSON moved to strike out the answer, as leading, and the motion was granted.

Mr. HOLL—State why your attention was called to that letter? A. Miss Patton wrote me concerning it.

Q. In reference to what—why? A. From the fact that she believed it had been opened, and asked me if I sent it in a perfect envelope.

Q. That letter is the one you have testified about? A. Yes.

Mr. JOHNSON—How do you know that you sent it in a perfect envelope? A. Well, I make it a rule in correspondence that if I ever have occasion to open a letter I invariably destroy the envelope, because it always conveys a sort of an impression to the receiver that it may have been tampered with. I know that I never—in that particular instance, because my memory was called to it at the time—I know that I did not open the letter after I sealed it.

Q. That is the only reason you have for saying that it was a perfect envelope because you had not opened it yourself? A. Yes.

Q. As a matter of fact envelopes sometimes are defective? A. It is possible, of course, that the envelope might have been defective; it is possible.

Mr. HOLL—I want to ask you this question in reference to that envelope: If this edge of the envelope in which you inclosed the letter had been mutilated, would not that matter have attracted your attention, and would you not have seen that the envelope was mutilated at that place when you inclosed that letter?

Mr. JOHNSON objected to the question, as leading, and the objection was overruled.

A. It would have been very apt to have attracted my attention. I might—I do not say that I might not have inclosed a letter in a defective envelope—but I do not think it at all probable that I did do so.

Q. Are you positive as to whether you opened that letter after you sealed it? A. I did not open it after I had sealed it.

Q. Did you have any envelopes that you were using that were defective in that particular? A. No; our envelopes at our office are stamped on the left-hand upper corner, and if they had been defect-



ive I should have been very apt to have known it. I do not say positively; I might have not.

Mr. JOHNSON—At that time did you write to more than one Miss Patton—I mean, did you have any other correspondent except Miss Patton? A. I write a great many letters.

Q. At that time did you have more than Miss Patton as a correspondent? A. Well, I have a great many correspondents. I am writing letters all the time, a dozen a day.

Q. I am not asking about now; I mean then. You had a large number? A. I have a great many business letters.

Q. And you have friendly letters that you write? A. Yes.

Q. You have a large and extensive circle of friends and acquaintances in this State? A. I have some.

Q. And you have some in the East, and you frequently write to them? A. I do, certainly.

Q. As a general proposition, you write a number of letters a day? A. Yes.

Q. And you did at that time? A. I do not remember writing many letters that day. I remember writing that letter distinctly.

Q. You do not remember as to any other letter particularly, at this distance of time? A. Of course not. I should not have thought of this if she had not called my attention to it.

Q. And therefore your attention not having been called to other envelopes or other letters you do not know in reference to them except generally? A. I do not; certainly not, only as I say, I should be very apt to see a defective envelope as most any gentleman would in addressing a letter.

Q. When you are in a hurry you would notice that as quick as if you were not? A. I think so.

Q. Being in a hurry does not affect your mind in reference to these little matters? A. I do not know. I think a man who does accurate business is not affected in that way, so that he would not do it properly, especially in the matter of directing and sealing letters. He is not apt to.

#### TESTIMONY OF C. E. GUNN—Recalled.

##### *Incompetency of Librarian.*

Mr. HOLL—Mr. Gunn, will you please look at that eulogy that is reported in the Record-Union of the twenty-sixth of July, 1882—an eulogy pronounced on the Hon. Henry Edgerton. Have you looked at it? Answer—Yes.

Q. Did you ever see that before?

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, and not responsive to any of the issues in this case.

Mr. EDGERTON—Do you offer that for the purpose of proving that I did not write it?

Mr. HOLL—This is a speech delivered by the State Librarian, Mr. Wallis, before the Caledonian (?) Republican Club, on the twenty-



fourth day of July. The point I make is simply this: We have charged upon this Librarian that he is not educated, and that he is not competent by reason of defective education to conduct the business of this library, and for the purpose of proving that charge I propose to show that he is not capable of composing such speeches as he himself desires to make. I propose to show that Mr. Gunn wrote this speech for Mr. Wallis, and that he delivered it as his own. The Board sustained the objection.

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### TESTIMONY OF TALBOT H. WALLIS.

Called and sworn on behalf of the prosecution.

Mr. HOLL—Mr. Wallis, how long have you been connected with the California State Library? Answer—My impression is, from the fourteenth day of October, 1871.

Q. How many years is that? A. It will be twelve years.

Q. Twelve years? A. Not twelve years; eleven years and a few months over.

Q. What capacity have you been employed in in connection with the library during that time? A. First, I came here as Porter, then as a deputy, and now I hold the position of Librarian since the sixth of April, 1882.

Q. How long have you been Librarian? A. Since the sixth day of April, 1882, and I have drawn my salary since the seventh.

Q. How long have you been in each of those positions; how long did you occupy the different positions? A. I occupied the position of Porter from October, 1871—that is my impression, but I may not be correct about the month, but it was in 1871—until a month, I think, after the adjournment of the Legislature in 1880.

Q. What? A. Until a month after the adjournment of the Legislature in 1880. I am not positive about that; it may have been two weeks, or it may have been a month.

Q. I understand that the law controlling the Library of California imposes upon you, as one of the duties of Librarian, to establish a system of foreign and domestic exchange of books? A. Yes.

Mr. JOHNSON moved to strike out the answer, because the law is the best evidence of that, and that shows what his duties are.

The Board overruled the objection.

Mr. HOLL—In pursuance of that duty imposed upon you by law, what have you done by way of establishing a system of exchange for the State Library of California? A. Well, the answer to that will take me a few moments. When I took the position of State Librarian, I found that it was deficient in several reports of the various States, and that our exchanges were away behind. I then wrote a letter—instead of writing a letter, I wrote a postal card, and had it printed for the purpose of saving postage stamps—and I sent a note to each State telling them that our Secretary of State took a pride in being accommodating to other States, and would accommodate them with any report and papers that they were entitled to, and



asked the same favor from them; that any books that they requested would be sent to them free of charge, and notified them of the various reports that had not been sent out. By those letters I have adopted a system of exchange which had never been adopted in the library before. I am receiving now reports from all portions of the States free of charge, and I exchange the same with them. With the kindness of Mr. Thompson, the Secretary of State, who has been very prompt, our reports have been returned to them; and they have sent to us the reports of the various States immediately on their being printed. I have also established with Germany a system of exchange which never had been established before. I have established with France a system of exchange which never had been established before. I have also established a system of exchange with England—with the various departments of England—for their reports on railroad matters, and on matters of agriculture, etc., and we receive them free of charge in consideration of the returns from this State of our own reports. I have established with Australia a similar communication with them, and they have sent us their reports and we return ours. I have established the same system with Canada. To-day we are in exchange with every State in the Union, and on friendly relations with them. One week ago I wrote a letter and handed it to Mr. Gunn, and it was printed on a postal card, informing the various States of the latest reports which were in the library and the latest statutes, and requesting them that if they had not sent all, to please forward us the latest reports, and notify us if we were delinquent, and if we were we would exchange with pleasure. The records of the office will show, since the sixth day of April, 1882, the number of exchanges made with the State Library.

Q. In making those exchanges with the State Governments, what department of the Government did you address? A. I have addressed two ways. As there are but few libraries which are independent, as this State Library is, from the Secretary of State's office, I have addressed the Secretary of State and the State Librarian where I did not know of the library being an independent institution, as this is, and the one at Philadelphia.

Q. How many States are there in the United States which have independent libraries? A. I cannot answer that, because it is a very hard question to answer. Some of the Secretaries of State are ex officio State Librarians.

Q. In your correspondence with a view to establishing this system of exchange, have you not discovered how many and what States had libraries? A. No. Allow me to explain that the laws read this way: That the Secretary of State shall furnish the Governor of the State of California, or the Governor of this State, with the reports, and consequently, when we send ours in exchange, we do not send to any library, but we send to the Secretary of State, and he in turn sends them to me, because he knows this is an independent institution. That is the reason why I cannot answer your question.

Q. Can you now name any States in the United States that have a State Library as California has? A. Philadelphia has—I mean Pennsylvania. Mr. Little is the Librarian.



Q. Name those States that have State Libraries? A. Every State in the Union has a State Library.

Q. I mean State Libraries known as the State Library of the State of California, or the State Library of the State of Pennsylvania? A. I cannot answer that question.

Q. Can you mention any States, except California and Pennsylvania, which have State Libraries? A. Yes, Massachusetts has one, and Mr. Tillinghast is Assistant State Librarian. New York has a State Library.

Q. Any others? A. Several of the Southern States have State Libraries, and I believe some of them have colored women as Librarians. I cannot give you the law exactly that they are operating under.

Q. You have named New York, Pennsylvania, and Massachusetts as States that have State Libraries. Do you know of any other States that have State Libraries? A. I have not examined the law of Nevada. I think I have received a letter from the Librarian of Nevada. I cannot inform you whether it is operated under an independent law or whether the Supreme Court Library is the State Library or not, because my correspondence has been with the Secretary of the State.

Q. Whether you can name any other State that has a State Library except those that you have named? A. I cannot recall them to my mind.

Q. You have established exchange with Germany, have you? A. Yes.

Q. What kind of exchange have you there established? A. I received a letter from Mr. Sargent, requesting me to send on the statutes of this State and the reports. I answered that letter myself, and I told Mr. Sargent that I would, as soon as convenient, send him the statutes and reports of this State. I mean by the reports the legislative reports. As to the matter of the Supreme Court Reports, I would bring that before the Secretary of State and the Trustees of the State Library. He answered my letter, and said that the American Librarian would be glad to accept the offer, and to forward the books as soon as convenient.

Q. That was in answer to a letter that you received from the United States Minister at Berlin, Mr. Sargent? A. Yes.

Q. Before that time or since that time have you taken any other steps, or addressed any portion of the German Government, with a view to establishing a system of exchange, and, if so, how? A. I have not.

Q. All that you have done towards establishing that exchange, was to write this letter to Mr. Sargent in reply to one that he addressed to you. You have established an exchange with France. How did you do that, and what part of the French Government did you establish this exchange with? A. I forget the gentleman's name. I have it on my record. He came here. He was the agent for the agricultural department and I gave him some reports. He wrote a letter to France about the wine interest, and I received several



reports, and I made an arrangement on his return to New York to make exchange. The letters are down stairs.

Q. Is that the way that you have established the exchange with France? A. That is the only way we have to establish exchange. We are continually receiving reports and documents from all the countries in the world, and we have to remunerate them by sending them something in return.

Q. Did not you establish a system with some definite department of the government. Did not you find some part of the government of Germany—some portion of the German Government, or of the French Government, that is vested with power to exchange books. Do you know of any such department? A. I suppose so.

Q. What is it? A. I exchange with the department.

Q. What department? A. The head of the department, of course.

Q. What is it? If you want to establish an exchange with Germany or France, what part of the government would you address? A. I would write to the officers having charge of the exchange department.

Q. What officers? A. The correct officers.

Q. Whom? A. I would find out very soon when I undertook to write a letter.

Q. Will you tell this Board who you would address if you wished to establish a system of exchange with the French Government? A. I would send it to the Agricultural Department; and if I wanted to get anything from the other departments, I would write to the others.

Q. What others? A. The Finance Department—the Secretary of any department; the Agricultural Department, or the Minister or the person having control of the agricultural interests of France.

Q. Have you attempted such an exchange? A. Yes, and so has my predecessor, Mr. Cravens.

Q. What department have you sent to? A. The Agricultural Department.

Q. When? A. After the agent was here.

Q. It was through this agent? A. No.

Q. How did you do it? A. I wanted to find out if there were any books published describing the various soils on which the different kinds of grapes are grown in France; and I was unable to find a book or pamphlet in relation to the grape from which claret is made, and I was unable to find information in reference to the kind of soil in which to plant the grape here from which claret is made. I wrote to the Department of Agriculture there, and they said they were sorry that they could not furnish the information.

Q. That is the only effort which you made? A. No; I have made various efforts, Mr. Gunn and myself.

Q. How? A. By writing letters.

Q. To whom? A. To the Agricultural Department.

Q. The same department? A. Yes.

Q. For what purpose? A. To have an exchange.

Q. An exchange of what? A. Anything regarding agriculture or the climate and soil for the raising of grapes and fruit that would be



of use to us. We desired to return the same compliment that they would give us; we would send them documents on agriculture and fruit raising and grain growing.

Q. Have you made any effort with any other department of France to open an exchange of books? A. No.

Q. Do you know of any other institution that would probably exchange books with this State? A. I can answer that question this way: I have a list of the several countries which I desire to exchange with, but coming into the library and finding the library in the condition that it was, I felt that it was my duty to bring the library up to a standard first, and then to establish a system of exchange which would last forever; and I only asked to exchange with various governments books which were needed for practical purposes.

Q. When you come to that point where you want to establish a system of exchange of miscellaneous works on science, art, and matters of that kind, what course would you pursue and what department of the French Government would you address? A. No department at all.

Q. What institution, or how would you proceed to establish it? A. Not at all; postage stamps are too high; we could not afford it; we have to mail a great many letters.

Q. You say that you have only attempted to establish an exchange within a limited range—within the region of agriculture. When you get ready, or when you come to a point when you desire to establish an exchange generally of such books as may be of interest that can be obtained from France—such miscellaneous works on different subjects of human knowledge—what institution or what department of the French Government would you address with a view of establishing such a system of exchange?

Mr. JOHNSON objected to the question, because it is irrelevant, immaterial, and theoretical.

The Board overruled the objection.

A. To the various departments interested in the matter in which I desire to exchange.

Q. Name those departments that you would address? A. I could not name them here; I can do so in a minute.

Q. Can you name the departments that you would address? A. No. I know there are several departments, and I have addressed letters to several departments; I cannot name them all.

Q. Have you attempted to establish any system of exchange with foreign libraries? A. No.

Q. In France, England, Germany, Austria, or Italy? A. No.

Q. Now, if you desired to establish an exchange with the principal library in France, what institution would you address? A. I would first find out the power I had to make the exchange.

Q. We concede the power.

Mr. JOHNSON objected, as irrelevant and immaterial, and the objection was overruled.

A. I would first address a letter to the Minister and get on friendly terms with the library, and would see if they were satisfied with the



exchange that I could make, or if I was in correspondence with the officers of the library I would then write to them.

Q. Do you know of any institution that now exists in France to which it would be proper for you, as Librarian, to address a communication with a view of establishing or attempting to establish a system of exchange? A. The Minister.

Q. That is the only one that you think would be proper? A. I think he would pay more attention to it than any one else.

Q. That is hardly an institution; do you know of any institution existing in France, not the American Minister? A. The exchanges I have made have been with the various departments.

Q. Do you know of the existence of any institution in France now that it would be appropriate for you to address, as Librarian of the State of California, with a view of effecting a system of exchange of books? A. Simply the head of the departments.

Q. Is that all? A. That is all.

Q. Do you know of any institution in England that it would be appropriate for you to address in that way for that purpose? A. I would also address to the head of the department. If I wanted a particular exchange I would address to the various departments in that science—agriculture, or whatever I desired information about.

Q. You do not know of any institution existing in England that it would be appropriate to address on that subject, or do you? A. I would write to the Minister.

Q. That is the only way that you think would be appropriate to establish an exchange? A. There are various ways.

Q. What other ways? If there are any other ways that you can think of, name them? A. I cannot think of them at present.

Q. You cannot think of none other at present? A. No.

Q. Mr. Wallis, can you give us the names of a few of the principal libraries in the world?

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, and not responsive to any of the issues in this case.

The objection was overruled by the Board.

A. I decline to answer.

Mr. HOLL—That suits me as well as anything else. A. Yes; I can.

Q. Can you give this Board the approximate number, not the exact number, but the approximate number, within a couple of hundred thousand, of the library that contains the largest number of volumes in the world? A. I decline to answer the question.

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, and not responsive to any of the issues in this case.

The objection was overruled by the Board.

Mr. HOLL—Will you answer it? A. No.

Q. Can you name the largest library in France?

Same objection—overruled.

A. I decline to answer.

Q. Can you name any library in France that contains as many volumes or more than that of the State of California?

Same objection—overruled.

A. I decline to answer.



Q. Can you name any library in England—any great library in England?

Same objection—overruled.

A. I decline to answer the question.

Q. Why do you decline to answer; will you please state? A. No.

Q. You refuse to give any reason why you decline to answer? A. Not for the reason that I do not know.

Q. Then if you do know? A. For this reason: I do not desire that the prosecution shall make a witness of me. I shall answer questions of my knowledge here. I am perfectly familiar with the library.

Mr. EDGERTON—I hardly think that will do. The Board have decided that the questions are proper. I hardly think that it is proper for the witness to pass upon that question.

The WITNESS—I decline to answer.

Mr. HOLL—Will you please name some library of importance in any of the cities of Germany?

Same objection—overruled.

A. I decline to answer the question.

Q. In Austria?

Same objection—overruled.

A. I decline to answer.

Q. Will you please name any library in any country in Europe that contains as many volumes as the library of the State of California, or more?

Same objection—overruled.

A. I decline to answer.

Q. Will you name any library in the United States that contains as many or more volumes than the library of the State of California, and where such library is situated?

Same objection—overruled.

A. I decline to answer.

Q. In any State in the United States outside of California?

Same objection—overruled.

A. I decline to answer.

Q. Is there such an institution in the United States as the Library of Congress?

Same objection—overruled.

A. I decline to answer.

Q. Why do you decline to answer?

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, not responsive to any issue in this case; and further, that the witness has already explained the reasons why he does not think the questions are proper or pertinent.

Mr. HOLL—Do you know whether there is a library of that name?

Same objection—overruled.

A.—I decline to answer.

Q. Mr. Wallis, have you anything in your library that bears the name of "An Elegy written in a Country Churchyard?"

Mr. JOHNSON objected, as irrelevant, immaterial, incompetent, not responsive to any of the issues in the case, and asked simply for



the purpose of creating a laugh on the part of the spectators, and not with an honest intention of getting an answer from the witness.

The objection was overruled by the Board.

Mr. HOLL—Will you answer the question? A. No.

Q. Mr. Wallis, have you anything in your library that bears the title of "Thanatopsis?"

Same objection—overruled.

A. I decline to answer.

Q. Do you persist in declining? A. Yes.

Q. Have you the poems of Homer, the "Iliad" and the "Odyssey," in your library, translated by an American?

Same objection—overruled.

A. I decline to answer.

Q. You decline to answer that question whether you have them translated by an American? A. Yes.

Q. Have you any such work in your library, or anything that is known by the name of the "Divine Comedy?"

Same objection, and further that the catalogue is the best evidence, and that the witness ought not to be compelled to answer these questions under oath.

Mr. HOLL—Does any such thing belong to the library as bears the name of the "Divine Comedy?"

Same objection—overruled.

A. I decline to answer.

Q. Have you any reason? A. I simply decline; that is my reason.

Q. Mr. Wallis, tell this Board who the author was of "Robinson Crusoe?"

Same objection—overruled.

A. I decline to answer.

Q. Have you any such work or book, or anything in your library as bears the name of "Hudibras?"

Same objection—overruled.

A. I decline to answer.

The Board here adjourned the further hearing of the investigation until to-morrow.

On Thursday, September 6, 1883, the following additional testimony was taken and proceedings had:

Mr. HOLL stated that in view of the fact that Mr. Wallis had refused to give testimony when directed to do so by the Board, touching the question of his competency, and had refused to furnish material evidence in the case when he had an opportunity to furnish evidence of the very highest character, he would announce that the prosecution would close their case at this point.

#### TESTIMONY OF FRANK F. FREEMAN.

Called and sworn on behalf of the defense.

Mr. JOHNSON—What is your name? Answer—My name is Frank F. Freeman.



Q. You are connected with the State Library? A. I am.

Q. How long since you have been connected with the State Library?

A. Since the sixth day of April, 1882.

Q. You are acquainted with Talbot H. Wallis, Miss M. A. Patton, J. J. Owen, and C. E. Gunn? A. I am.

*Conspiracy against Librarian.*

Q. Do you remember the occasion of the meeting of the Board of Trustees of the State Library when certain charges were preferred by Mr. Owen against Mr. Wallis? A. I do.

Q. Did you hear any conversation between Mr. Owen and Miss Patton on that day? A. I cannot say that I heard any conversation; I heard a few sentences pass between the two persons.

Q. Where? A. In what is known as the general department of the library.

Q. In reference to the charges was the conversation? A. Yes.

Q. State to the Board what it was.

Mr. HOLL objected, that this is not a proper inquiry; that it can only be for the purpose of contradicting Miss Patton, and the foundation has not been laid for its introduction.

Mr. JOHNSON—The proposition is to show the animus and motives which govern this prosecution. We propose to show by this witness matters of which, as I remember, we asked Miss Patton.

Mr. EDGERTON—You must call the attention of the witness to the specific question that was asked the other witness.

Mr. JOHNSON—In the course of that conversation did you hear her ask Mr. Owen if he had read the charges to Mr. Wallis? A. I did.

Q. In the course of that conversation did you hear Mr. Owen reply that he had, and that they did not have any effect upon him, or words to that effect? A. I did, in reply to the question: "What effect did they seem to have upon Mr. Wallis?"

Q. She asked him, "What effect they seemed to have upon him?" A. Yes.

Q. What was Mr. Owen's reply? A. "No effect whatever."

Q. What did she say then?

Objected to, and question withdrawn.

Q. In the course of that conversation did she say: "Let me go in there; I would like to get in there; when I get in there—wait until I get in there and I will show him," or words to that effect? A. I will not pretend to give the exact language of the reply. So near as I remember it, it was this: "When I get before the Board I will see if it will not have some effect."

Q. Do you know as to whether Mr. Owen procured some legal cap paper in the Law Library?

Objected to, and question withdrawn.

Q. Do you remember having a conversation with Miss Patton sometime in the month of July—I think it was in 1882, in the general office—in reference to obtaining the vote of or ascertaining the opinion of Trustee A. C. Freeman as to the removal of Mr. Wallis? A. I had such a conversation with Miss Patton.



Q. Please detail that conversation? A. It would be impossible for me to detail in exact language of the conversation held between us.

Q. Give it as near as you can? A. Can I give the particular circumstances which led to the opening of the conversation? Miss Patton seemed to think that a change was desirable in the Librarian and she asked me if I thought that Mr. Freeman could be prevailed upon by any means to vote to oust Mr. Wallis. I told Miss Patton, so near as I remember, in this exact language, that I thought that no power on heaven or earth would move Mr. Freeman to vote against Mr. Wallis. She then asked me to speak to Mr. Freeman upon the subject and see how he felt upon the subject. I promised neither to speak to him about it or not, and there was nothing more said about it.

Q. Did she say anything in reference to who would be the Librarian, and as to who would have the other places? A. She said that Mr. Gunn would be elected Librarian and that I would be promoted to the deputyship in the Law Library.

Q. Did she state at that time how she obtained that information, and who from?

Mr. HOLL objected, that the attention of Miss Patton was not called to any such a question, and the objection was sustained by the Board.

Mr. JOHNSON—Do you remember at that time as to whether she used this expression: "That the other four Trustees were all right if she could only get Mr. Freeman?" A. She remarked that the other Trustees could be brought to that state of mind if Mr. Freeman could be obtained on that side of the question.

### *Opening and Detention of Letters.*

Q. Do you remember of the occasion of Miss Patton making some complaint in reference to a letter of her's having been opened some time in February, 1883? A. I do. I would not be sure about the date.

Q. The reason I gave the date is because she gave the date at that time. Now state whether or not she accused you of opening the letter? A. Well, I will say right here, that from testimony given by her yesterday, I would like to be allowed to go on and detail the conversation held in the morning, in the Law Library, in reference to that particular letter.

Q. Between you and her? A. In reference to that particular letter.

Q. Proceed? A. Miss Patton, upon coming to the library in the morning, walked to her desk and picked up a letter.

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### AFTERNOON SESSION.

### TESTIMONY OF FRANK F. FREEMAN—Resumed.

The WITNESS (continuing)—She then came into the Law Library and asked me if I knew anything of the letter. I told her I did not.



She said that she had serious misgivings as to the letter and thought that it had been opened. I then said, I guessed it made no particular difference if the letter had been opened; that I did not think it would affect things very much. It was said in a joking manner. She then asked if I knew anything about when the letter came into the library. I then replied that I had nothing further to say about the letter, that I did not intend to make any remark that might tend to criminate any one. That is the explanation I wish to make leading up to that remark. Mr. Gunn was in the room at the time, and him and I were conversing, and she requested Mr. Gunn to go into the general department, as she wished to speak with him. He complied with her request, arose from his seat, and went into her room. I went into the office, for what I do not remember, but shortly afterwards went up stairs, and was reading Blackstone, and stayed there until lunch time. I came down and got my lunch and came back. I only desire to make the explanation as to the conversation in the Law Library. I would rather have questions asked me.

Q. Go on as to the remark she made, if she made one, in reference to your having to do with opening the letter? A. About ten minutes before I came down stairs she and Mr. Wallis were having an altercation regarding the letter. I spoke in a joking manner and asked, "What all this trouble was about?" She said it was a particular letter, and that she had just as leave believe I had opened the letter as to believe that Mr. Wallis had opened it. I told her that if that was her idea of me, if she thought I was capable of so low, mean, and contemptible a trick as that, I desired to have nothing more to do with her, and would be very careful to not handle any mail matter of her's that might come to the library in the future.

The witness was here temporarily withdrawn.

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#### TESTIMONY OF W. C. VAN FLEET.

Called and sworn on behalf of the defense.

Mr. JOHNSON—You reside in this city? Answer—Yes, I do.

Q. Your business is that of an attorney? A. Yes.

Q. You have been practicing law and residing in this city for a number of years? A. I have been practicing law here for about ten years, except a year or so.

#### *Competency and Deportment of Librarian.*

Q. Have you ever had occasion to use the State Library, and if so state whether it has been seldom or frequent? A. Well, I have had frequent occasion for the use of the books in the library, the Law Library.

Q. State, if during the time you have been a visitor to the library, when you have had occasion to use the books, whether Mr. Wallis—T. H. Wallis—was connected with the library? A. Well, I think he has been nearly all the time that I have been practicing—a great deal of the time.



Q. You have had business in the library frequently since he has been Librarian? A. Yes.

Q. State to the Board as to how you found him in his intercourse with you, and with others that came under your observation, and, also, as to his familiarity, if any, with the books and business of the library? A. Well, so far as my knowledge and intercourse with Mr. Wallis goes, he has always been very pleasant. I have always found him prompt and ready to do anything that he could to satisfy one's wants when a person came to the library, and, as far as my observation goes, he has always shown a great deal of familiarity with that branch of the library that I have frequented—the Law Library. I have never had occasion to go into the miscellaneous library, but mostly to the Law Library. I noticed that his familiarity with the Law Library was always apparent.

Q. State as to his demeanor and deportment, whether it was courteous and gentlemanly? A. I think I did state that. My intercourse with him has always been pleasant, and his demeanor and his manners have always been courteous and pleasant to me, and never otherwise to any one else in my presence.

*Cross-examination.*

Mr. HOLL—Since he has been Chief Librarian, has he been in attendance on the Law Library; has he been in attendance? A. No; but several times when I have gone into the Law Library, since he has been Chief Librarian, he has asked me if he could do anything for me, and he has found books for me.

Q. Several times; how many times? A. I do not know. I never paid any attention to that—as to the number of times. Usually there is an attendant there.

Q. Mr. Gunn is there? A. Mr. Gunn is there, as a usual thing, but I have been in when Mr. Wallis has been in there.

Q. The Law Library is arranged by the reports of the different States being placed together on different shelves, and the text-books being placed in alphabetical order? A. Yes.

Q. When you ask for a report of a particular State, or for a text-book, he could go to the place and get it for you? A. I apprehend that was merely a mechanical knowledge really, but still he was always ready. The reference that I had was to his knowledge of where he would find subjects treated when you wanted information as to the character of the book. I would ask him, and he would tell me that such and such a thing had been decided so and so, and he would tell me where I could get the authorities. Of course, the mechanical arrangement of the library I understood myself.

Q. Can you refer to any instance where Mr. Wallis, in reply to any question, would furnish you with the authorities that you asked him for, not upon your suggestion as to what they were, but upon his knowledge? A. No; I cannot do that, Judge Holl, because it was not a matter that I ever fixed in my mind, but it left the impression on my mind that Mr. Wallis had noted the current decisions, and had read considerable law.



Q. That was the impression left on your mind? A. Yes.

Q. And that he knew where the different reports and text-books in the Law Library were kept? A. Yes.

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TESTIMONY OF J. J. BUCKLEY.

Called and sworn on behalf of the defense.

*Competency and Deportment of Librarian.*

Mr. HINKSON—You know Mr. Wallis? Answer—Yes, I do.

Q. Have you frequented the library since he has been the Librarian?

A. Yes.

Q. Sufficient to have a knowledge of his efficiency as Librarian?

A. I think so.

Q. State what you know, if anything, about his efficiency and about his treatment of visitors to the library?

Mr. HOLL—State such facts as will show? A. Of course my opinion would amount to nothing here, because Judge Holl's opinion might be entirely different from mine. I have known Mr. Wallis intimately for ten or eleven years, and most of that time has been during his connection with the State Library. I have been here very often at all hours during the day while the library is open. I always found that Mr. Wallis treated everybody, myself included, in a gentlemanly manner, and with due courtesy. Any question he was asked he would try and answer it if he could, and he would be the first one to comply with any request that was made.

Q. What do you know about his efficiency as Librarian? A. Well, that I cannot say, because I am not an expert as to the duties of a Librarian, only I have this much to say, that they have said throughout the State—

Objection sustained.

Q. State what you know, from what you have seen there, in regard to his efficiency as Librarian? A. Well, take it as to the Law Library, from my knowledge of the law, I do know, and can state positively that Mr. Wallis is competent—

Mr. HOLL objected, as incompetent, and the objection was sustained.

Mr. HINKSON—State what you know in regard to his efficiency; what you have seen him do, and what his capacity is for finding books, if you know? A. I know he has always, while I have been there, and when any person has asked him for a book, readily gone and got it, no matter what it was, whether in the law or miscellaneous department.

Q. Have you been there when persons were calling for books? A. Yes; I have been here dozens of times, both day and night.

Q. You remember about the time that Miss Kelsey was in the library for two or three weeks? A. I remember about the last night she was there.

Q. You remember the circumstance of her parting with Mr. Wallis on that evening? A. Yes.



Q. Please state what occurred, and what Miss Kelsey said to Mr. Wallis at the time they separated that evening? A. I was in the Law Library that evening—no, I was in the Librarian's private office.

Q. I will ask you if you heard her on that evening when she separated from Mr. Wallis, and when she was bidding him good-by, give him her address, and invite him to call and see her at San Francisco, and if she thanked him for his courtesies to her during the time she was in the library, or words to that effect?

Mr. HOLL—State what she said? A. Miss Patton was there at the time.

Mr. HINKSON—State what you know about it? A. She came in from her desk when she was going away, and I was in the Librarian's room, and another lady was there; Mrs. De Force Gordon was going in and out, and Mr. Wallis was there, and she bid Mr. Wallis good-by, and said that she would be pleased to meet him in San Francisco, but I do not recollect her saying anything about her address.

Q. She would be pleased to meet him in San Francisco? A. Yes, and she said that she had spent a pleasant time during the time she had been here.

Q. What was there about thanking him for his courtesies? A. That I cannot say about that matter.

Q. You say she said to him that she had spent a pleasant time in the library? A. She had had a pleasant time in the library. She was smiling at the time pleasantly.

Q. You are the City Assessor of this city? A. Yes, and searcher of records.

*Cross-examination.*

Mr. HOLL—Mr. Buckley, in the Law Library you have heard Mr. Wallis called upon for books contained in that room, have you? A. Yes, I have.

Q. He seemed to be familiar with the manner in which the books were arranged—he is capable of going and obtaining the books when they are called for? A. Yes.

Q. You have seen that a good many times? A. Yes.

Q. Now, state the extent of your acquaintance with his being called upon in the general library. What circumstance can you give us in regard to that? State some circumstance where you remember his being called upon for any book in the miscellaneous library, and give us the subject upon which the book treated? A. Well, at different times I have been called upon to make speeches here before different organizations and I have had occasions to look up different subjects; one in particular was the French Revolution. At those times I have gone to Mr. Wallis and he has readily found the books.

Q. He could find works on the French Revolution? A. Yes; he referred me to Guizot and other authors. And at another time I required works on botany—

Q. Tell us what works on botany you required and what his ability



was to examine the subject of botany? A. I cannot tell you the names of the books now; it is some time ago.

Q. How many times did that occur? A. Once.

Q. He was able to find some book on botany? A. Yes; he should have been able to do that if he knew the library at all. And in regard to painting: I brought a gentleman up there—Mr. Nichols—and he asked Mr. Wallis for a work on painting and art, and Mr. Wallis gave it to him.

Q. He could furnish a work from the library that treated on that subject? A. Yes, and any subject that you might ask him about.

Q. Have you any more specific instances? A. If I was an expert I might recall them, but I am not here as an expert.

Q. Tell us any more specific instances? A. Nothing more than works of fiction. I have asked for novels and the like, and I have got them.

### TESTIMONY OF FRANK F. FREEMAN—Resumed.

#### *Cross-examination—Conspiracy against Librarian.*

Mr. HOLL—When was the conversation, Mr. Freeman, with Miss Patton, in which you gave her to understand that it was your opinion that no power on heaven or earth could move Mr. Freeman, the Trustee, to induce him to vote against Mr. Wallis—when was that? A. To the best of my recollection it was some time in the latter part of July, 1882.

Q. Did you give to Miss Patton your honest conviction on that subject at that time?

Mr. JOHNSON objected, as irrelevant.

Mr. HOLL—Did you state to her the truth?

Same objection—overruled.

A. To the best of my knowledge—yes.

Q. To the best of your belief? A. Yes.

Q. You stated the truth at that time? A. Yes.

Q. What induced you to think so?

Same objection—sustained.

Mr. JOHNSON moved to strike out the testimony of the witness in relation to A. C. Freeman, and the motion was granted.

Mr. HOLL—At the time when you heard Miss Patton and Mr. Owen speak in reference to the charges against Mr. Wallis, and the effect that those charges had upon him, where were you? A. In the State Library.

Q. What part of it? A. Between the main entrance and the entrance to the Law Library.

Q. Where were they? A. Miss Patton was sitting at the desk, and Mr. Owen was standing by the side of the desk.

Q. At the desk in the general library where Miss Patton's place was? A. Yes.

Q. Were you listening to what they were saying? A. I heard that



much of it. I did not go there for the purpose of listening to the conversation at all.

Q. Were you listening, or was your attention called to it, or how did you happen to hear it? A. I went out there to procure a book, and while there I heard this conversation.

Q. You were between the main entrance and the Law Library. How near to the door of the Law Library? A. I could not state exactly the distance; somewhere in that semicircle.

Q. Were they talking there in a continuous conversation, or did they only repeat those few words? A. I do not know how much longer they may have talked. When I procured the book I went back.

Q. While you were there was it a continuous conversation or was it only those broken fragments that you have detailed? A. It was only fragments of the conversation.

Q. It was not a continuous conversation; there was just a few fragments that they spoke there, only a few sentences? A. That was all that I heard—a few sentences.

Q. Did they say anything else there? Did they seem to be talking about something else that you did not hear or do not remember? A. Not that I heard.

Q. There was no conversation; there was simply what you heard? A. I did not hear the entire conversation.

Q. Was there an entire conversation? A. I have not the least idea. They may have talked there for half an hour and I did not hear it.

Q. During the time you were there when you say you were in a position where you could hear this fragment of what they were saying, were they saying other things that you do not remember or did not hear? Were they talking to each other? A. I think not, for the reason that I was not there, I suppose, half a moment.

Q. What time of the day was that? A. I would not be sure to the moment, but I would say about half-past twelve o'clock on the twenty-sixth day of July.

Q. To whom did you first state that you had heard this conversation between Miss Patton and Mr. Owen? To whom did you first disclose it? A. I first disclosed it, I believe, to Mr. Wallis.

Q. Mr. Wallis is your superior in the library? A. He is.

Q. You hold your appointment from Mr. Wallis? A. I do.

Q. If Mr. Wallis should be removed, would you expect that to effect your removal also?

Mr. JOHNSON objected, as irrelevant, immaterial, and incompetent, and the objection was sustained.

### *Opening and Detention of Letters.*

Mr. HOLL—When this letter was spoken of to you by Miss Patton, I understood you to say that after you had repeated certain language to her, you then said that you had nothing more to say; that you would not criminate anybody. A. I said that I had nothing more to



say about the letter; I would not make any expression that might tend to criminate any one.

Q. What did you mean by that? A. I, in the first place, used the expression that it made no particular difference, I thought, whether the letter had been opened or not, in a joking manner—I said this in a joking manner.

Q. Said what in a joking manner? A. That I did not think the opening of one of her letters would make any material difference. She then asked me if I knew anything about when that letter came into the library, and I told her that I had nothing more to say about it; that I did not intend to say anything that might tend to criminate anybody. I said it all in a laughing manner.

Q. What did you mean by saying that you did not intend to say anything that might tend to criminate anybody? A. I said it all as a joke.

Q. What time was it now when you made this expression. I understood you to say, that Miss Patton came into the Law Library and made some inquiry about it, and that subsequently to that, this matter was brought up again in your hearing? A. Yes.

Q. How long after the first conversation, was the second conversation, in which you joked about it? A. Well, it would be as long about, as between nine o'clock and ten minutes to four.

Q. In the meantime you testified that you heard Miss Patton and Mr. Wallis, I think—that there was an altercation—when was that? A. That was at ten minutes to four that the altercation took place, what I heard of it.

Q. How long after the altercation before you used this talk and language about not criminating anybody? A. This was about nine hours before that time.

Q. I understood you to say that the time when you spoke and said that you did not want to criminate anybody, that that occurred in the afternoon? A. No; it was about nine o'clock in the morning.

Q. In the first place you said that she came in in the morning and asked about the letter, and I then asked you whether you had any further conversation at any other time with her, and you said you did about nine hours afterwards? A. I did have a further conversation with her.

Q. When was this conversation in which you said that you did not wish to criminate anybody? A. About nine o'clock in the morning, preceding the conversation in the afternoon.

Q. Who was present when that conversation was had by you? A. Which conversation.

Q. This conversation in which you said you did not wish to criminate anybody? A. C. E. Gunn.

Q. Anybody else? A. No one else, with the exception of Miss Patton herself.

Q. In what way did you regard that—as a joke; just explain how you considered that a joke, in saying at that time that you would not criminate anybody in connection with that letter? A. In my experience, it has not been an unusual thing for one person to say something that might be construed into an accusation of another



person having opened a letter. Miss Patton came in that morning, and I did not know that anything serious was going to come out of the letter. I knew nothing at all about the letter. I was in the habit of talking pleasantly with Miss Patton, and what I said was all done in that way.

Q. She had already told you that this letter had been tampered with? A. She said she had her suspicions about it.

Q. You had told her that you did not think it made any difference if it had been? A. That was about the remark I used.

Q. That was in the same line of jocular remark with the other, was it? A. Yes.

Q. When she addressed you to know something more about it, you, in a joking way, said you were not disposed to say anything more about it; you would not accuse anybody of anything—of any criminal matter? A. Yes.

Q. Did you know, at that time, that anybody had had anything to do with that letter? A. I did not.

Q. Did you know how long that letter had been in the office? A. No; the first I saw of the letter was about twenty minutes to nine o'clock in the morning. The letter was then laying on her desk.

Q. That is the letter she speaks of as having come through the express office, and that she said was received the day after it was delivered at the library? A. That is the letter, I think. That is the only letter that I know anything about.

Q. Now, as to that letter: Did you ever say anything to Mr. Wallis, or Mr. Wallis to you, about that letter? A. I believe the day that she received the letter Mr. Wallis and I had some conversation about the letter.

Q. What conversation? A. Well, I asked him if he knew anything about the letter, or about its having been opened, and he said he did not; that he did not believe the letter had ever been opened.

Q. Did he tell you when the letter was received, or whether it had ever been in the office? A. He did.

Q. What was that conversation, or what did he say to you in reference to any knowledge of that letter?

Mr. EDGERTON—I understood you to say that the express letter is the only letter that you know anything about? A. That is the only letter that I knew anything about. He said that upon coming to the library, on the morning on which she received the letter, on looking over his papers he found the letter on his table, and that he gave the letter to Mr. Brown and asked him to put it upon her table, and that was the first thing that he knew about the letter and the only thing that he knew about the letter.

Mr. HOLL—That Mr. Wallis said that he found this letter on his table and gave it to Mr. Brown, the Porter, to lay it on Miss Patton's table? A. Yes.

Q. Did he say at what time he found that letter on the table among his papers? A. On the morning on which the letter was delivered.

Q. When Miss Patton talked to him about it did he say to her



that he found the letter on his table? A. I heard none of the conversation between Mr. Wallis and Miss Patton regarding the letter.

Q. I thought you said they were having an altercation? A. They were having something of the kind on my entrance into the office; I saw signs that a row was in progress.

Q. Did you hear anything of that row? A. I did not.

Q. How did you know it was a row? A. I knew from the actions of the parties.

Q. From their actions, and not from anything they said? A. Well, I supposed a conversation was going on in there at the time.

Q. Did you know from that conversation that a row was going on? A. I suppose that I gained my information——

Q. Did you know that a row was going on in there from their conversation? A. I think I do.

Q. Do you only think so or do you know it? A. In my own mind I know it.

Q. Why did not you say so then? A. I know it.

Q. What did you hear? A. I do not remember what passage occurred between them.

Q. Can you remember any of the language at all? A. No, I cannot.

Q. How do you know there was a row going on if you cannot remember any of the language? A. I can only say that both parties appeared very much excited.

Q. You did not hear any of the language? A. Probably I heard it; if I did I do not remember it.

Q. You cannot now remember so as to repeat any of the language? A. No, I cannot.

Q. You did not hear Mr. Wallis say, in that row, anything about having found that letter among his papers, and that he had sent it out at the proper time, and in the proper way, to her desk? A. No, I did not.

Q. Did you hear any conversation in Mr. Wallis' private office, at the time Mr. Brown was present, when Mr. Wallis locked the door of that office? A. I did not.

Q. Were you in there at that time? Do you remember the circumstance of being called in there? A. No.

Q. Of Mr. Brown being called in there? A. I do not know of Mr. Brown and Mr. Wallis being locked in the private office.

Q. Do you remember hearing Mr. Wallis ask Mr. Brown whether he knew anything about the letter? A. No, I never did.

Q. Did you ever ask Mr. Brown whether he knew anything about it? A. No, I did not.

Q. You say it was at four o'clock in the afternoon when the conversation took place in which Miss Patton accused you, or said to you that she would just as soon say that you opened the letter? A. Yes.

Q. Where was that conversation? A. It was in the private office.

Q. Who was present? A. Mr. Wallis was present for about two moments, and Miss Patton, and myself.

Q. Any one else? A. No.

Q. Did Mr. Wallis stay there during the conversation that you had



with Miss Patton? A. I do not think he did. He may have possibly been there. If he was, I did not pay any attention to him.

Q. This was at four o'clock, I understand you? A. Just about four o'clock.

Q. On the afternoon of the day when she found this letter on her table in the morning? A. Yes.

Q. You said you spoke in a joking way about accusing people of crime. Did you take that as a joke when she said that she would as soon believe that you opened the letter? A. Not when she spoke in an excited manner.

Q. Did not you regard that as a joke? A. No.

Q. What did you reply in that conversation when she said that? A. I told her, very well; if she had that opinion of me, if she thought that I was capable of committing such an act as that, I did not desire to have anything further to do with her; that I should be very careful hereafter not to have anything to do with her mail matter which might come to the library directed to her.

Q. Did she say she did consider that you were capable of doing such things? A. She did not intimate at that particular moment but what she thought that I was capable of it. I met her a few moments afterwards, when she said she did not think I was capable of it, and she said she was sorry for what she had said and wished that I would reconsider what I had said.

Mr. JOHNSON—Do you remember the language that Mr. Wallis used to you at that time? Did he say he found the letter there, or that he noticed it there, or what was it, or do you remember the language? A. He said that by looking over the papers that were on his table that morning, he saw a letter, or found one—some expression of that meaning.

Q. You are not positive as to the particular words that he used, but simply the expression? A. No.

Mr. HOLL—Did I understand you correctly when I understood you to say that the first conversation that you had about that letter with Miss Patton, or she with you, was in the Law Library, at nine o'clock in the morning? A. Yes; at about nine o'clock.

Q. And that the other conversation that you had in which she said that she would as soon believe you opened it as any one else, that was in the private office of Mr. Wallis about five o'clock in the afternoon? A. Yes.

Q. And at that time no one was present except Mr. Wallis, yourself, and Miss Patton? A. I am almost wholly sure no one else was present.

Q. Those are the only two conversations you had with her about it? Q. Yes; with the exception of the following conversation that may have taken place that evening.

Q. Did you ever have any other conversation in the private office with her except the one you have detailed, at any other time than four o'clock? A. I suppose ten minutes after four o'clock, as I had been in the office, and had this conversation in which I said that I did not wish to have anything more to do with Miss Patton. I was walking out of the private office. In walking back to the private office I



met Miss Patton near the stairway, in the semicircle, near the door of the private office, and she said that she thought she had spoken hastily to me, and as she had spoken in such a manner she asked me to reconsider.

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TESTIMONY OF W. F. BROWN.

Called and sworn on behalf of the defense.

Mr. BALL—What is your business? Answer—My business is general Porter, anywhere I can get it.

Q. Were you Porter in this building last July? A. I was, for the Superintendent of Public Instruction.

*Opening and Detention of Letters.*

Q. Did you hear anything of Miss Patton complaining that a letter coming through Wells, Fargo & Co. had not been promptly delivered to her? A. Yes; I remember the circumstance.

Q. Do you know anything of that letter being delivered at her desk; if so, state what it was and how it was? A. There was a letter—several letters—that I left on Mr. Wallis' desk, of hers, several times, when she was not there, in bringing the mail whenever I went down to the Post Office; and sometimes I would pick up letters and leave them on her desk, and I believe I done the same at that time.

Q. This particular letter—do you remember anything about it? A. Yes; I found a letter there on the desk.

Q. On whose desk? A. On Mr. Wallis' desk, along with others, and I brought them and laid them on her desk.

Q. Was your attention called to that letter by anything that Mr. Wallis said to you about it? A. No; anything never was said about letters to me at all until that time that Miss Patton made a muss over it, saying something about letters, and I believe I told Mr. Wallis that I left the letter on her desk.

Q. Mr. Wallis then made inquiry of you about it, and you told him you left it on her desk? A. Yes.

*Cross-examination.*

Mr. HOLL—What kind of a letter was that; was it one that came through the mail or through the express? A. Well, I remember several letters coming by express and also by mail. I could not say exactly whether at that time—there were several letters that I took off.

Q. What letters are you talking about? Are you talking about the letter that came from the express office, or the one that came through the mail? A. I do not know exactly what kind of a letter it was. As I said before, I took several letters from Mr. Wallis' desk, and often took the mail to her desk, if she was there, and let her pick out her mail.



Q. What particular letter are you talking about? A. I do not know that I am talking about any particular letter.

Q. Do I understand you that you are not talking about any particular letter? Then the letter that the counsel inquired about you do not know whether that was in an express envelope, or whether it came through the mail? A. Well, I could not swear.

Q. You delivered several letters, but which one they are talking about you do not know? A. I do not know; I took several letters from Mr. Wallis' desk and put them there.

Q. Did you ever take a letter sent by express to Mr. Wallis' office when he gave it to you, and told you to lay it on Miss Patton's table? A. No.

Q. Never did that in the world? A. No.

Q. All the letters you delivered that way you found the letters on Mr. Wallis' desk, and without being asked by anybody, seeing that they were for Miss Patton, you took them out there? A. Yes.

Q. Can you read? A. Well, I can read that much.

Q. How much? A. Well, I could not tell you; I can read names in good, big print.

Q. Does it require them to be in big print? A. And good, big writing.

Q. What kind of writing was on the letters you delivered to Miss Patton? A. It was in writing; I do not know exactly what kind of writing. There were different kinds of hands.

Q. Can you read that name? [Exhibiting a paper to the witness.] A. I refuse to read it.

Mr. JOHNSON—Is that in your handwriting, Judge Holl?

Mr. HOLL—Yes; but I can write plainer than that.

Mr. HINKSON—You do not read Chinese, do you?

Mr. HOLL—Mr. Brown, try your hand at that. [Exhibiting a paper to the witness.] Can you read it? A. Yes.

Q. Take it and read it—read it out to the Board. Read that name to the Board?

Mr. EDGERTON—Read it, if you can; if you cannot, say so? A. Miss M. J. Patton.

Mr. HOLL—Read it to the Board? A. This is Miss Patton's name.

Q. Read it out to the Board? A. It is Miss Maggie Jennie Patton; I think so.

Q. Do you pretend to say that you can pick a letter addressed to Miss Patton out of a number of letters lying around there? A. Yes.

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#### TESTIMONY OF G. B. COSBY.

Called for the defense and sworn.

Mr. HINKSON—State your name and official position? Answer—G. B. Cosby, and at present Adjutant-General of the State.



*Competency and Deportment of Librarian.*

Q. You know Mr. Wallis, the present Librarian? A. I do.

Q. State whether or not your visits to the library have been frequent for the last number of years, and if so, for what period of time, and how often? A. During the last five or six years I have had occasion to visit the library very frequently in search of miscellaneous works on various subjects.

Q. During your visits to the library what has been the treatment of Mr. Wallis to yourself and other people in the library, as you have observed it? A. I have always met with the utmost courtesy and accommodation in searching for the works that I sought, not only on the part of Mr. Wallis, but of all of the employés in the library.

Q. What was his treatment of other visitors in your presence? A. It was uniformly, as far as I know, that of a gentleman.

Q. From your observation what efficiency did he display in the discharge of his duties? A. I will go further, and say that on various occasions he and others in the library have gone to a great deal of trouble, more than their official position demanded, to find works for me.

Q. State what facts you know as to his efficiency in the discharge of his duties? A. Well, sir, I have always considered him very competent so far as—

Mr. HOLL—State the facts? A. Well, my memory runs over several years—the general impression left with me—

Mr. HINKSON—State the facts? A. Well, I remember on one or two occasions coming to the library to find works in relation to engineering subjects. He has searched for me for the works I inquired for, but the works I inquired for were not there, but germane works were sought for by him for me and obtained, after a great deal of labor on his part.

Q. In your visits and your frequent applications for books, what alacrity did he display in searching for books for you; in your many visits what tact did he display in finding or determining whether the books were in the library or not—those you sought? A. Well, sir, I have gone there and asked for certain works, and he has gone immediately to the shelves and got them for me.

Q. Did that occur frequently—your calling for books? A. Very often.

Mr. HOLL—In an engineering matter, you say that with a great deal of labor he finally succeeded in getting some works germane to the subject of engineering? A. I remember, on several occasions—the exact works I do not remember—that he sought diligently for them and found them for me.

Mr. HINKSON—Did he, as a usual thing, succeed in finding the works that you called for? A. Whenever I could name the author of the work, and it was in the library, he usually found it at once.

Mr. HOLL—He had some idea where a book was to be found when you gave the title of it? A. Yes; they being classified in the library, and knowing where they were.



## TESTIMONY OF CHARLES GILDEA.

Called and sworn on behalf of the defense.

Mr. HINKSON—State your name and official position? Answer—Charles Gildea; member of the State Board of Equalization.

*Competency and Deportment of Librarian.*

Q. I will ask you whether or not, in the last number of years, you have visited the State Library frequently? A. I have.

Q. In what capacity have you been acting when visiting it at different times—what official positions? A. I have been a member of the Legislature, and had occasion to visit the library for the purpose of getting books.

Q. How many years, since Mr. Wallis has been connected with the library, have you been accustomed to visit it frequently? A. Since Mr. Wallis has been elected, I was here last Winter and the Winter before that, during the sessions of the Legislature.

Q. Years before that, when he was in the library as a subordinate, you were here frequently? A. While he was a deputy, yes.

Q. What has been Mr. Wallis' deportment towards you and his treatment of you when you visited the library since he has been Librarian and while he was deputy? A. Very courteous, sir.

Q. What has been his treatment of other visitors in your presence? A. I think it has been very good and very courteous. I could not see anything that I could in any manner complain of either to myself or in my presence to anybody else.

Q. Have you had occasion to go there frequently to call for books? A. Yes.

Q. State what facts you know in regard to when you have been there calling for books, from your knowledge of the books, as to his competency for the position? A. Well, when I went there and called for books when he was Deputy Librarian, and also since he has been Librarian, he would sometimes go and get them, and sometimes some other person would go and get them; but whether it was himself or some other person, I always got them immediately, which would indicate, of course, that he understood where his books were, and all that sort of thing.

*Cross-examination.*

Mr. HOLL—Were they law books or miscellaneous books? A. Well, both; more law books than miscellaneous books.

Q. Do you remember of ever going into the miscellaneous library and asking for any particular kind of book on any particular subject? A. No, I could not. I have gone there frequently, but I could not call to mind any particular occasion.

Q. What class of books would you be most likely to inquire for—what is your bent? A. What is my bent of reading on miscellaneous subjects?

Q. Yes. A. It ranges considerably; it is entirely owing to my bent



of mind; Grecian history and history of other kinds. My reading is sometimes history and sometimes light literature.

Q. Would you name the book and the author to whoever was in charge when you asked for a book? A. Yes.

Q. That is the way that you have asked for the books and that is the way that they were furnished you? A. Yes. If I desired to read any particular book I would naturally ask the Librarian if he had the book.

Q. If you wanted to read Grote's History of Greece, you would ask for that book? A. Yes.

Q. Then the Librarian would go and bring you the book? A. Yes.

Q. That has been your experience in regard to this matter? A. Certainly.

### TESTIMONY OF C. E. GRUNSKY.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is C. E. Grunsky? Answer—Yes.

Q. You reside in Sacramento and have for some years? A. Yes.

Q. You are now and have been for a number of years connected with the State Engineer's office of this State? A. Yes.

### *Competency and Deportment of Librarian.*

Q. In the course of the years that you have been engaged in that office have you had business in the State Library occasionally? A. Yes, I have frequently.

Q. Quite frequently? A. Yes.

Q. During that time have you had business relations with the Librarian, T. H. Wallis? A. Yes, frequently.

Q. State to the Board now, as to his manner, his demeanor, and his deportment towards you and other people, as it came under your observation, whether affable, or not; gentlemanly, or not? A. He was always courteous to me, so far as I know. I have always been treated with every consideration that I could expect from a person in charge of a library, by himself, as well as by all his assistants at all times.

Q. State as to his apparent knowledge of the books and subjects, if it came under your observation when you were examining and hunting for books there, and whether he was able to assist you or not? A. I have always found him so; I have had occasion to inquire for books quite frequently; books of a scientific character more than any others, and I have always found my wishes immediately attended to, and had no reason to think that any one could have done better, so far as a knowledge of books in the library is concerned.

### *Cross-examination.*

Mr. HOLL—You mean so far as where to find books when the



author and the name of the book is given; is that what you mean?  
A. Yes.

Q. Did you ever try him by asking him whether he had certain authors, naming certain subjects that you were trying to investigate?

A. I do not remember to have had any occasion to make such an inquiry, because I generally have been posted as to what I wanted to get, and I would go into the library and inquire for it.

Q. Then the skill he displayed was in being able to get the books from the different places in the library after you gave him the title; he knew, of course, their classification? A. Yes, he possessed that skill.

### TESTIMONY OF WM. HAMMOND HALL.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is Wm. Hammond Hall? Answer—Yes.

Q. You are now, and have been for a number of years, State Engineer of California? A. I have.

Q. Your office is in this Capitol? A. Yes.

### *Competency and Deportment of Librarian.*

Q. During the number of years that you have been State Engineer has your business called you in the State Library at all? A. It has.

Q. Very frequently? A. Quite frequently.

Q. Are you acquainted with Mr. T. H. Wallis, the State Librarian? A. Yes.

Q. Have you had business relations with him in the State Library? A. Yes.

Q. State as to his manner and demeanor, whether courteous or not, gentlemanly or not, affable or not, towards you and towards other people, when it came under your observation? A. Always courteous towards me; I never noticed anything to the contrary towards other people.

Q. State as to the knowledge he displayed as to the books in the library and their classification, and whether or not he was able to render you any assistance in securing the books that you wished to examine? A. Well, he always was able to find any book that I asked for. He appeared to be familiar with the contents of the library.

Q. What were the books you usually inquired for? A. Generally speaking, engineering books and law books.

### *Cross-examination.*

Mr. HOLL—When you would inquire for an engineering work you would know what author you wanted to consult, and the subject, and you would ask him for a certain book, giving the name and the title of the book? A. Not always.

Q. How would that be? A. Generally speaking, I would know



what book I wanted, and would give the name and the title, and at other times I would know the subject I wanted to inquire into, and I would ask him in what department I could find such books.

Q. And then he would take you to a certain alcove, and would tell you that in that alcove were books on that subject? A. Yes; and sometimes he would go and find the book or books and give them to me.

Q. Sometimes he would go himself to the alcove and bring them to you? A. Yes.

Q. Did you ever ask him what authors he had upon any branches of engineering, such works as you did not know yourself, to ascertain whether any new books had been published? A. Never, in as broad and as general a way as that, because it is my especial business to keep posted in that line of books.

Q. And you obtain a knowledge in advance as to what publications there are? A. Yes; generally speaking.

Q. His skill was displayed in finding what you wanted, if you knew what you wanted? A. That was generally the case. However, though, as I said before, it happened otherwise sometimes.

Q. What do you mean by "otherwise;" what did happen at other times? A. That I wanted books on some subject, some particular branch of a subject, and would ask in a general way for works touching on that branch of the subject.

Q. Naming the subject and the classification of the subject, and then he would go and get you the books that belonged to that class of works? A. He would either get me the books or tell me where to find them, that is if they happened to be in the library.

#### TESTIMONY OF WILBUR F. GEORGE.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is W. F. George? Answer—Yes.

Q. You reside in this city? A. Yes.

Q. You are an attorney? A. Yes.

Q. You have practiced law here for a number of years? A. Yes.

Q. You are the author of a book on criminal law? A. Yes.

#### *Competency and Deportment of Librarian.*

Q. In the course of your business have you called into the State Library? A. A number of times.

Q. Quite frequently? A. Continuously for the last eight years.

Q. Do you know T. H. Wallis? A. Very well.

Q. When you were engaged in preparing your book was your time considerably taken up in the library? A. Yes; all of my time.

Q. For about how long? A. For nearly a year—about nine months.

Q. During that time was Mr. Wallis connected with the library? A. Yes.

Q. State to the Board as to the demeanor of Mr. Wallis during



that time to yourself and to other persons under your observation, whether it was courteous and pleasant or not, and gentlemanly or not? A. Mr. Wallis always treated Mr. White and myself during the time we were engaged on that work, and always treated myself on any occasion when I visited this library, in the most courteous manner. It could not have been possible for any one to have been more pleasant or more polite. He always obtained the books I desired.

Q. State as to the knowledge he displayed in reference to the contents of the library when you would have occasion to ask him in reference to it? A. My visits to the library have been confined chiefly to the law department. I think Mr. Wallis has as intimate a knowledge of the law department as anybody I ever saw. I am very well acquainted with the law department of the library myself, having visited it for the last eight years several times a week. My knowledge of that department is very extensive, but I think that Mr. Wallis has a much better knowledge than I have.

*Cross-examination.*

Mr. HOLL—With reference to the finding of the volumes that you wished to consult in preparing your work or in writing your briefs, the reports and the text-books are arranged on the shelves by States, or they are classified in alphabetical order. He is familiar with where these books are, where he can find them, and he does it readily? A. Not only that, but in addition to that, I found that Mr. Wallis keeps a very accurate account and knowledge of the new books that are issued. Very often, in my investigations of law subjects, I have desired to get a particular work that I knew had been issued but was unable to remember the name of it, and I have asked him for it, and he remembered the name and the particular law topic on which it treated. He would almost invariably remember that such a work had been issued, and if not, he would refer to his catalogue that he kept in his office to find whether such a work had been issued or not.

Q. If he had received it in the library he would remember that he had received the work? A. Yes.

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TESTIMONY OF WILLIAM S. CHURCH.

Called and sworn on behalf of the defense.

Mr. JOHNSON—You are at present a resident of Sacramento City?

Answer—At present; yes.

Q. And have been for some length of time? A. Yes.

Q. For how long? A. Since about the middle of May last.

Q. Of this year? A. Yes; of this year.

Q. During that time where have you been occupied and what has been your business? A. I have been writing a work on habeas corpus, and have been occupied in the State Library.

Q. Daily? A. Yes.



*Competency and Deportment of Librarian.*

Q. Of course, during that time you have seen Mr. Wallis and have had business relations with him? A. I have, to some extent.

Q. Now, state as to Mr. Wallis' demeanor, and his deportment as to yourself and to other people, within your knowledge—whether courteous or not, polite or not, gentlemanly or not? A. Mr. Wallis has always treated me with the utmost consideration, very gentlemanly and very courteous, and has from time to time assisted me in looking up books that I wished to consult.

Q. State as to your knowledge, if you had occasion to notice it, in reference to his knowledge of the books in the library and their classification as to subjects? A. The only instance in which I have noticed it particularly, that I recollect at present, was some two months ago probably, when I was looking for some old English report. I looked over the Law Library until I got tired—it must have been half an hour—and finally Mr. Wallis stepped in, and I called upon him to hunt up a number of reports that I wanted; there must have been twenty-five or thirty volumes. He went up stairs and assisted in collecting them, and towards the last I called upon him for this report. Among the English reports there is a division called the "black letter" books. I had searched almost everywhere else, and had failed to find it, and when I called his attention to it he said: "Church, that is a black letter book," and he went and found it almost immediately. He assisted me in a few minutes, and collected all the books that I wanted, and I took them down stairs and proceeded to my labors. He and Mr. Gunn both have been kind to me, and have helped me in various ways, until I can now assist myself.

*Cross-examination.*

Mr. HOLL—Has Mr. Wallis, in the law library, been uniformly courteous when he has spoken of people who were not present. Does he always talk of them in courteous terms, or have you heard him use language very unseemly and undignified? A. I have heard Mr. Wallis express himself very forcibly at times, but not in a mingled company. Whenever he has seen fit to express his views with feeling, I have noticed it has generally been in the presence of three or four of us who are perfectly familiar.

Q. And then he would speak in such a way as would attract your attention on account of its forcible manner. Is that so? A. In what way?

Q. In any way? Did you ever hear him use profane language at such times? A. I might as well say here that I have been somewhat in the confidence of Mr. Wallis, and I have heard him say things, in conversation, which I have no right to repeat here, and I refuse to do so. I am talking of his general demeanor, and of his general language towards persons who were casually in the library, or who had business there.

Q. You do not mean to be understood that on those special occasions, when he would use language that you do not now want to



repeat—— A. I do not object to repeating the language, only it might—what he said to me I mean, has been in a confidential way, and I should not repeat it. In these conversations, which might occur either in the library or out, things have been said which I do not wish to state.

Q. I am not talking about confidential conversations. You were talking about the general style of his demeanor and deportment. Was it said to you in the way of a private conversation, or was it said in the library, so that if other persons had been in the library, they could have heard it?

Objected to.

Q. Were they in the nature of private conversations, or were the remarks he made there so that anybody that happened to be present could hear? A. What remarks?

Q. Those you referred to as being personal, and which you say, perhaps might have been of a private character? A. I do not know that I could recall any particular conversation.

Q. Did you ever hear him make remarks, that were of an offensive nature, that were not in private conversation addressed to you, or any one else, in a private way—by way of private communication or private conversations? A. I do not know as I can recall any particular occasion, on which he offended any outside person that I know of, by his remarks.

Q. Such remarks as were offensive? A. The matter might be explained by saying this: that since I have been there, during the regular office hours of the library, Mr. Wallis has been in the Law Library comparatively very little of the time, and when he would come in his deportment, generally speaking, so far as I know and have observed, has been good; but I have been there a good deal of the time in the evening, and a great deal of what I have heard and what has been said has been said in the evening, and was not intended for the public ear, and consequently could not offend any one except those who were all there friends at work.

Q. Such conversations then are less offensive in your judgment because they were in the evening when usually the library is not visited by many people? A. I am speaking of conversations which if heard by others might give offense, not on account of the boisterous manner, but on account of what was said.

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#### TESTIMONY OF H. I. WILLEY.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is H. I. Willey? Answer—Yes.

Q. You are at present Surveyor-General of the State of California?

A. Yes.

Q. Your office is in the State Capitol? A. Yes.

Q. And has been since January last? A. Yes.



*Competency and Deportment of Librarian.*

Q. You know T. H. Wallis, the State Librarian? A. I do.

Q. Has your business called you into the State Library during your official connection with the State Government? A. Very seldom.

Q. You have been in there? A. Yes.

Q. And you have seen him? A. Yes.

Q. And had business with him? A. Yes.

Q. State as to his demeanor and deportment towards yourself and other people as it came under your observation while you were there?

A. His demeanor to me has always been courteous, and I have never noticed anything discourteous in his demeanor to others.

Q. Have you ever had occasion to ask him in relation to books in the library? A. No; I have no time to devote to literary matters.

Q. Has your business brought you into the Law Library? A. Several times I have been in there.

Q. At any of the times you have been in there have you called upon Mr. Wallis for any information or assistance, and if so, was it promptly given, and did he manifest a familiarity with that department? A. I must say that he did at one time. I had to call upon him for some information which required considerable research and he found everything that I desired.

*Cross-examination.*

Mr. HOLL—To you personally his conduct and conversation has been courteous and kind? A. In my presence, yes.

Q. Has it always been that, so far as you know, when you were not present? Do you know anything about the character of this man's conversation outside of your own knowledge? A. I have no knowledge of anything that occurred when I was not present.

## TESTIMONY OF JOHN MARKLEY.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is John Markley? Answer—Yes.

Q. You are a member of the State Board of Equalization? A. Yes.

*Competency and Deportment of Librarian.*

Q. You know Mr. Wallis, the State Librarian? A. Yes.

Q. Have you ever had any business relations with him or any business which took you into the State Library? A. I have had occasion, I think, two or three times, to hunt up some matters in relation to taxes, and I have had occasion to look for them myself, and I could not find them, and I called on Mr. Wallis, and he found them for me.

\* Q. Did he or did he not manifest a knowledge of the business that



you asked him about? A. Yes; he manifested a knowledge of the business.

Q. State as to his demeanor towards yourself, and towards other people, as it came under your observation; whether courteous or not, polite or not, gentlemanly or not? A. He was courteous and polite to me.

Q. And to others, so far as you could see? A. And to others so far as I knew.

No cross-examination.

### TESTIMONY OF JOHN W. ARMSTRONG.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is John W. Armstrong? Answer—Yes.

Q. You are at present a Judge of the Superior Court of Sacramento County? A. Yes.

Q. Do you know T. H. Wallis? A. I do.

Q. Do you know Miss M. A. Patton? A. I do.

Q. Were you acquainted with Miss Patton during her connection with the State Library? A. Yes.

### *Opening and Detention of Letters.*

Q. Do you remember having a conversation with Miss Patton some time in April of this year, about a certain letter which she claimed that something had happened to? A. I had a conversation with her some time after the Legislature adjourned. I cannot tell exactly when?

Q. Where was it? A. It was at my house. I can refer to circumstances that would probably fix the time. It was about the close of the first hard rain we had. My wife was away from home. She was up at Drytown, and I fix the date by reason of that circumstance. It rained while she was up there. She was up there two weeks, and this occurred the last Sunday that she was away from home. Miss Patton came to the house, and I was lying on my lounge alone, and I invited her to come in and sit down. She came in, and after she sat down she put her hands up to her face and seemed to be weeping, and was feeling very badly. I asked her what was the matter. She waited for some time, and then I arose from where I was reclining on the lounge, and after awhile she commenced and told me this: that she had had some trouble up in the library about her letters, and I asked her what it was, and she said that some letters had been detained two or three days, and that she did not like to be treated in that way about her letters. I said to her that I was sorry that there was any trouble now in the library among the employés of the library, and I thought I had had trouble enough with outside enemies, and that I supposed that they were all getting along pleasantly, and that there was no trouble between them up here at all, and up to that time I had never heard of anything. She said that her letters had been detained. I felt interested in knowing whether any



one had an object in detaining them, and for that purpose I asked her whether the letters had been opened or not—whether they were letters of business or letters of importance. She said they had not been opened, and that they were merely friendly letters, but that she did not like to have her letters laying around for two or three days without being delivered to her. I then said to her, “I will tell you, Miss Patton, I know that you are nervous”—she had been afflicted with rheumatism, and I knew that the storm which was just passing off was liable to affect her and make her nervous about small matters—and I said that if the letters had not been opened no one could have an intention to detain them, and that it must have been accidental, and that if she was not feeling nervous she would not regard it as a matter of any importance and would pass it along. She stayed there awhile and we talked, and she got to feeling well and I walked home with her. I made a visit at her home. That is the substance of the conversation.

*Cross-examination.*

Mr. HOLL—Did she tell you that the letters had not been opened, or that she did not know that they had been opened? A. She said the letters had not been opened, and from that I took it that the detention was accidental, and not by design. If she had told me the letters had been opened I should then have inquired into it, and would have seen if there was anybody around the library that had any object in opening the letters. This was the first intimation I had that there was any ill feeling among the employés of the library.

Q. The time of that conversation you cannot locate any nearer than that it was about the time of the first rains? A. It was the closing of the first heavy rains; that is about the time it was.

Q. About the vernal equinox? A. Well, I do remember when that occurs; I did when I was a boy studying geography.

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TESTIMONY OF DUNCAN BEAUMONT.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is Duncan Beaumont? Answer—Yes.

Q. You reside now, and have for a number of years, in Sacramento? A. Yes.

Q. You are in the State Engineer's office? A. Yes.

Q. You were connected with the Surveyor-General's office for two terms? A. Yes.

*Competency and Deportment of Librarian.*

Q. You have known Mr. T. H. Wallis, the present State Librarian, for a number of years? A. Yes.

Q. Has your business ever called you into the State Library? A. Yes, I have been in the library a great many times for the purpose of getting books.



Q. You have seen Mr. Wallis there? A. Yes.

Q. State to the Board as to his demeanor and deportment towards you and towards other people when it came under your observation, as to whether it was courteous or not, gentlemanly or not? A. Well, all the time he was acting as deputy I generally found him very pleasant; I never had any trouble with him. Since he has been Librarian I have not been in the library so much, but still I have had to get a number of books out for our office, and also for my own use, and always was treated well and pleasantly in the library.

Q. Have you ever had occasion to ask him in reference to books, or to find any book, or obtain any books for you? A. No—once or twice in the Law Library I have inquired for books.

Q. Was he always prompt in getting them? A. Yes; I never had any trouble in getting them.

Mr. HOLL—You say you were in the Law Library when you had occasion to ask him to get some books for you? A. Yes.

Q. What were those books, State reports? A. Sometimes they were reports here and then reports of other States.

Q. When you asked him for reports of our own State he had no difficulty in finding them for you? A. No.

#### TESTIMONY OF WINFIELD J. DAVIS.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is Winfield J. Davis? Answer—Yes.

Q. You are now, and have been for the past seven or eight years, Official Reporter of the Superior and District Courts of this county?

A. I have.

#### *Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis, the State Librarian? A. I have known him intimately for several years.

Q. Has your business been such as to call you into the State Library during the past five or six years or more? A. Yes.

Q. Have you been here quite frequently? A. Very frequently.

Q. Have you had business relations with Mr. Wallis since he has been connected with the State Library? A. Yes.

Q. State now as to his manner, whether it was pleasant, affable, and gentlemanly, or not? A. He has always treated me with the utmost courtesy, and, so far as my observation goes, he has treated others here with the utmost courtesy and affability.

Q. State whether he has manifested in your presence any knowledge of the books in the library and for their classification and arrangement?

Mr. HOLL objected, as irrelevant and immaterial, and the Board overruled the objection.

A. He has.

Q. Just explain as to that, if you can. You are now and have been



engaged for some time in writing a political history of this State? A. Well, I have been collecting data for such a work.

Q. And that has naturally brought you into the library quite frequently? A. Yes.

Q. Go on and give instances, if you can, of Mr. Wallis' knowledge of the books here? A. I have had occasion to consult books both in the law and miscellaneous departments of the library, and whenever I inquired of Mr. Wallis for a book I have had no difficulty in finding it. He has promptly taken me to the place where the particular book was.

*Cross-examination.*

Mr. HOLL—You would ask for a book and would give him the title of the book and the name of the author, and he would take you to the part of the library where that class of books are kept? A. Yes; but at times I would not know exactly the title of the book or the name of the author. I would see a reference in an old newspaper to a book that had been published years back, and I would ask him if such a book, giving its description as nearly as I could, was in the library, and he has been able to furnish me the information that I required.

Q. And you would give him the title of the book? A. As nearly as possible. At times I would not know exactly its title.

Q. You would give him to understand what you wanted, and he would go and find the book among the books classified under that subject? A. I do not know that he could have done any more than that.

Q. Did he know anything about the books except to go and find them? A. At times I would find that he was more familiar with the books than I was.

Q. What is the character of books that you would generally ask for? A. Books relating to the history of California, to the history of Mexico, and works on law that related to this State and coast, and also law works generally that were required in connection with my business as the reporter of a Court.

Q. In the law department of the library? A. Yes.

Q. He would bring you such books as you asked for, I suppose? A. Yes.

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TESTIMONY OF E. W. MASLIN.

Called and sworn on behalf of the defense.

Mr. HINKSON—What is your present official position? Answer—Clerk of the State Board of Equalization.

Q. What other positions have you held in the last few years? A. I have held this position since April, 1880, I think.

Q. What other positions have you held? A. I was four years with Governor Irwin as Private Secretary.

Q. What other positions have you held? A. I was Clerk of the State Board of Equalization.



Q. Were you ever Trustee of the State Library? A. Yes; I had forgotten all about that.

Q. When were you Trustee of the State Library? A. I was elected in the Winter of 1878, and held until April, 1882.

*Competency and Deportment of Librarian.*

Q. Mr. Wallis was then Deputy Librarian? A. Yes.

Q. During the time you held that office and the office of Private Secretary to Governor Irwin and the office you are now holding, did your duties call you to frequently visit the State Library? A. Yes.

Q. State what Mr. Wallis' usual treatment and deportment towards you and towards visitors in your presence during your visits to the library has been? A. Mr. Wallis, at that time——

Q. Up to the present time? A. When I was Trustee, Mr. Wallis, most of the time, was in the library here. He had charge of the Law Department. Afterwards he became a deputy, and of course his duties took him to other portions of the building. I never saw anything out of the way as to Mr. Wallis' treatment of any person who had any business with the State Library. On the contrary, I think Mr. Wallis is as much, if not more, than any one I ever saw, particularly obliging towards all visitors and persons having any business in the State Library.

Q. And gentlemanly in his deportment to them? A. Yes. Of course, Mr. Wallis has a bluff way about him, but he certainly is extremely obliging.

Q. State what you know about his qualifications as Librarian?

Mr. HOLL—Based on any knowledge of books that he has displayed? A. Well, it would be very difficult—it would be only an opinion on my part as to his general qualification. For instance, as to his literary training or his literary acquirements, I do not know very much about that, but so far as his knowledge of books in the library is concerned, where they are and what they contain, I have always noticed that Mr. Wallis knew where the books were, and was always able to give anybody any information on any subject which they desired to investigate. That has been my observation of him.

*Cross-examination.*

Mr. HOLL—State any instance that you know of where he has furnished anybody with any information on a matter that was peculiarly within his own knowledge? A. I seldom have been in the Law Department here, Mr. Holl, and I think I probably visit the library as much as any man in the city; of course, I cannot give you instances where I have seen this man or that man assisted, but I have seen Mr. Wallis, time and again, asked by lawyers where cases were, and he knew where they were, and he got them for them; I have seen him, time and again, hunting up cases for lawyers for briefs; I do not know what the subject-matters were, but I knew from what I could gain, that he was hunting up law questions; if he is able to do that, he knows something about the Law Library.



Q. Now, you said he knew where the books were in the library, and what they contained? A. Yes.

Q. Do you mean that he knew what they contained? A. My idea, Mr. Holl, of a Librarian is not—

Q. Do you mean that Mr. Wallis knows what the books in the library contain? A. As a Librarian.

Q. What do you mean by that? A. I was going to tell you, and you stopped me.

Q. Tell it now? A. A Librarian to read all the books in the library is a lost man; he wants to know this, in my opinion: he wants to know the title pages of the books, and the subject-matter generally on which they treat; he does not want to read what is in the books; he would not have the time to do that; that is what I meant when I said that he knew what they contained.

Q. What the title pages contained? A. Yes.

Q. When you said that he knew what the books contained you mean by that that he knew what the title pages contained? A. No; I mean more than that. The title page would not give him all of the information—he would know what the books treated upon.

Q. You say that you cannot give us any instance, that you now remember, where he displayed any of that sort of knowledge? A. Well, I cannot give you any instances.

Q. You are yourself considerable of a literary man. Was he ever able to furnish you any information? A. I do not pretend to be a literary man. I have studied two or three subjects, and I have had occasion to be in the library. I have always asked Mr. Wallis where I could find books on a particular subject that I was interested in.

Q. Then he was able to tell you where books on that subject could be found? A. Yes.

Q. Is all your knowledge as to his qualifications limited to that? When you asked him for any books he could tell you where they were—is it not pretty much limited to that? A. No; I would not confine my testimony to that, that that is all he knows.

Q. Beyond that what service has he rendered to you that you can tell us of that shows he has an intelligent understanding of the current topics of literature, art, and science? A. I have never asked much assistance, although I have been in the library a great deal. I think I am an observing man, and I have a hobby about public officers being obliging and being industrious, and being attentive to their duties, and I have always observed, and I think it is the common judgment of everybody around the Capitol, that Mr. Wallis is extremely obliging and attentive to his duties.

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#### TESTIMONY OF A. E. SHATTUCK.

Called and sworn on behalf of the defense.

Mr. JOHNSON—You are at present Deputy Secretary of State? Answer—Yes.

Q. Your office is in the State Capitol building? A. Yes.



*Competency and Deportment of Librarian.*

Q. Do you know T. H. Wallis, the State Librarian? A. Yes.

Q. Have you had occasion, during your term of office, to visit the State Library? A. Yes; a good many times.

Q. Have you seen Mr. Wallis there? A. I have; yes.

Q. State to the Board as to Mr. Wallis' demeanor and deportment towards you and towards other people, as it came under your observation, as to whether it was courteous, polite, affable, and gentlemanly? A. He has been extremely obliging to me. I never had any dealings there with any one else but him. It has just happened that I never applied to anybody but him. He has rendered me a good deal of assistance several times, but particularly in some correspondence that I had. I got rid of some very ugly foreign correspondence through him, and I turned over to him all of the correspondence for the State Library. I did not do any of it; he did it all.

Q. If it came under your observation, state anything that manifested on his part a knowledge of the library and of its books? A. I do not know that ever I went in there but once to examine any special subject—some scientific subject that I was interested in one day—and I asked him where I could find the books, and he told me on the third floor in a certain alcove. That is the only instance that I recollect.

Q. Did you ever have occasion to examine any religious books? A. Not in the library. I believe I did; I asked him if he had any "curios" there, and he showed me, I think, a Bible. It was a very old one, I think. It may have been some other work.

*Cross-examination.*

Mr. HOLL—What was this correspondence that you refer to? A. I received some letters from some of the authorities in Australia relative to some exchanges, and the question arose if there was a way of evading the duties. Matter directed to public libraries in exchange, I understood, came through some course in San Francisco by which the duties could be evaded, and not knowing how to do it I went to Mr. Wallis about the matter, and he took charge of the correspondence, and conducted it to a successful issue, I think.

Q. Did you see any of the correspondence? A. We got notice first that the books were there, and that there was some form that had to be gone through with, and I went to see Mr. Wallis and I asked him for the information, and he told me that he would attend to it himself, and he did so, I suppose, because the books came.

Q. Do you know whether he conducted the correspondence or whether his deputy attended to it, Mr. Gunn? A. I do not know; he said he would do it.

Q. Do you know whether Mr. Gunn did it? A. No.

Q. Did you ever see any correspondence in his handwriting? A. No; I do not believe I did. I have also had some correspondence



with some Eastern State library, and Mr. Wallis conducted that. I think I saw him write a note in my presence about that.

Q. That is the only thing you ever saw? A. Yes.

### TESTIMONY OF J. J. TOBIN.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is J. J. Tobin? Answer—Yes.

Q. You are at present Deputy Adjutant-General? A. Yes.

Q. You were a member of the Legislature? A. Yes.

Q. During the time you were a member of the Legislature you was the Chairman of the Committee on State Library in the Assembly? A. Yes.

Q. And as such was brought in connection with the Librarian and his deputies? A. Yes.

Q. And was called upon to examine the library? A. Yes.

Q. Since your residence in this city have you had business in the State Library? A. Frequently.

### *Competency and Deportment of Librarian.*

Q. Do you know Mr. T. H. Wallis? A. Very well.

Q. You knew him at the time you were on the Library Committee? A. Yes.

Q. You have seen him in the library, and have had business with him in the library? A. Very often.

Q. State to the Board as to the demeanor, deportment, and manner of Mr. Wallis towards yourself and towards other people, when it came under your observation, whether it was affable, polite, gentlemanly, or the opposite? A. It was decidedly so. I always found him courteous, affable, and ready to accommodate when I wanted any accommodations.

Q. State if you can as to the knowledge that has been manifested on his part of the books of the library and their classifications? A. Well, I had occasion to ask him on two or three occasions with regard to some works—some historical works, and I found that he was thoroughly acquainted with the books in the library.

### *Cross-examination.*

Q. Would you ask him for books, naming the titles of the volumes or the books and the authors? A. Yes; sometimes.

Q. You knew what works you wanted yourself? A. Yes.

Q. You knew the title of them? A. Yes.

Q. You asked him whether he had those works? A. Yes.

Q. And he would get them. He was able to do that without difficulty? A. Yes.

Q. That is the extent of your knowledge on the subject as to his



competency as a Librarian. Is it, or is it not? A. Well, I would not say that.

Q. What further have you to say? A. Frequently, in reference to the conduct of the library itself, its financial affairs, etc., I have had occasion to examine into the workings of it, and I found that Mr. Wallis, as far as I could see, kept his books in a shape that they had not been previously kept in, at least as far as my knowledge is concerned as Chairman of the Committee on State Library. I had occasion to visit the library many times to inquire into the financial affairs of the library, and I took occasion one day to ask Mr. Wallis what books he kept and how he conducted it, and he showed me some two or three books that he had there and they appeared to me to be very well and carefully written up. Of course I did not attempt anything like a critical examination—just a mere casual looking at the books.

Q. You know whether those books were kept in Mr. Wallis' handwriting or in that of his deputy, Mr. Gunn? A. As far as I could judge they were kept in Mr. Wallis' handwriting.

Q. Do you know? A. I cannot say.

Q. You do not know? A. I do not know Mr. Gunn's handwriting. I could scarcely swear to Mr. Wallis' writing. I have seen it frequently, but I could not say it was his writing.

### *Reports of Legislative Committees.*

Mr. JOHNSON—We now offer in evidence the report of the Committee on State Library of the Senate of the State of California, presented to the Senate on March 13, 1883, and signed by the Chairman. It appears in the proceedings of the Senate of that day. It is as follows:

“SACRAMENTO, March 13, 1883.

“Mr. PRESIDENT: Your Committee on State Library beg leave to report that they have examined into the affairs of the State Library, and find everything in proper condition. The books are well arranged for convenience, and evidently good care is taken of them. Considerable additions have been annually made, and we are pleased to note that they are mostly of the class known as standard works, and such as will be of permanent value. The system of keeping accounts, adopted by the present Librarian, is convenient and accurate.

“We find that the Librarian, from April 6, 1882, to March 13, 1883, has drawn, by warrant and otherwise, the sum of \$4,144 69. We also find, that for the same period of time, he has expended \$4,018 83, as per vouchers in his hands; leaving a cash balance on hand of \$125 86.

“There are in the library, as appears by the register of books kept by the Librarian, 55,118 volumes. The law department has received very material additions, and now contains all the late publications of value.



"So far as we are able to learn, the management gives general satisfaction. The employés are courteous and accommodating.

"C. H. MADDOX, Chairman."

Mr. HOLL—I object to its introduction. It is a report made by a committee of the Legislature, and of all the unreliable things in the world, the report of a legislative committee is the most unreliable. It is not competent evidence, and is not admissible in this case, as proving any of the specific matters alleged or disproving them.

Mr. EDGERTON—The ruling will be reserved.

Mr. JOHNSON—We offer in evidence also, the report of the Assembly Committee on State Library, presented to the Assembly, on Tuesday, February 27, 1883, and found in the proceedings of that date, as follows:

"ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

"Mr. SPEAKER: Your Committee on State Library beg leave to report that they have examined into the affairs of the State Library, and found everything in proper condition. The books are well kept, and neatly and conveniently arranged. The increase in number of volumes by additions to the various departments has been very considerable, and we take pleasure in observing that the purchases made are of works of intrinsic merit and permanent value, and adapted to the purpose of making this chiefly a reference and scientific library. We find the books, both of record, of purchases, and donations, and of finances, properly kept, and the proper vouchers for all the money paid out, and the bills properly audited by the President of the Board of Trustees. The system of keeping accounts adopted by the present Librarian is neat, terse, and accurate, and is much to be preferred to the former method. The employés of the library and the management of it give general satisfaction.

"BRICELAND, Chairman."

Same objection, and ruling reserved.

Mr. JOHNSON—(To Mr. Tobin)—Is this the book you referred to in your former testimony? A. Yes; that is the book.

#### TESTIMONY OF FRANK MAHON.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is Frank Mahon? Answer—Yes.

Q. You reside in Sacramento City? A. Yes.

Q. Do you know T. H. Wallis, the State Librarian? A. Yes.

#### *Competency and Deportment of Librarian.*

Q. Have you had business relations with him in the library, and



have you been in the library during the time you have lived in the city? A. Well, occasionally I have.

Q. Your office is that of Deputy State Printer? A. There is no such an office as that. I am bookkeeper of the State Printing Office.

Q. You know Mr. Wallis? A. Yes.

Q. State to the Board as to Mr. Wallis' demeanor and deportment and treatment of yourself and of other people as it came under your observation—whether it was polite, gentlemanly, affable, courteous, or the opposite? A. Well, I have been in the library many times; I have occasionally come into the library and asked questions of Mr. Wallis. Sometimes parties have sent to us for copies of reports, and I have, I think, on two occasions had occasion to call on Mr. Wallis for the reports, not being able to find them in the office of the State Printer, and on both occasions, when I have requested Mr. Wallis to furnish me copies of reports, he has done it willingly, and at all times he was very cheerful, very gracious, and very courteous. He has also been so when I have visited the library on other occasions. I do not know that I have ever met with a more agreeable man in office than Mr. Wallis.

*Cross-examination.*

Mr. HOLL—Twice you had occasion to go there on official business to get some reports? A. Yes.

Q. And was treated respectfully by Mr. Wallis? A. Yes.

Q. In a gentlemanly manner? A. Yes.

Q. And that was his course when you went there on other occasions? A. Yes.

Q. You were treated gentlemanly and respectfully by the Librarian? A. Yes.

Q. That is about the extent of your knowledge of Mr. Wallis? A. I spoke of these two occasions, because I went there then to get some reports.

Q. You have not been there a great many times? A. I have been there occasionally; I have not borrowed a great many books from the library.

TESTIMONY OF GROVE L. JOHNSON.

Called and sworn on behalf of the defense.

Mr. BALL—You reside in this city? Answer—I do.

Q. You are an attorney at law? A. I am.

*Competency and Deportment of Librarian.*

Q. In the course of your business, have you had occasion to visit the State Library frequently, or otherwise? A. I have had occasion to visit the library sometimes in the course of my business; I do not know as I can say it has been frequently; yes, I can.

Q. How long have you known Talbot H. Wallis as Librarian and deputy? A. I think ever since he was first employed.



Q. What has been his general deportment towards you and others, as you have observed it? A. Always courteous, pleasant, affable, and polite.

Q. Has he evinced a knowledge of the books, and where they are kept, in and about the library? A. He has.

Q. To what extent? A. I recall one instance in particular, where I had a suit against a life insurance company, and where the question of suicide was the prominent defense—as to whether it was suicide by prussic acid or not. I came to the library, and not knowing what I wanted to find, or where to go, I stated the case to Mr. Wallis, and he said he had some books treating on that subject. He went up with me into the alcove of the library, and showed me where the books were that treated on that subject, and told me the names of some of the authors, and I examined them and found that they did treat on that subject, and I was enabled thereby to post myself.

Q. Can you call to mind any other instances? A. There have been some instances in reference to some literary matters that I have been engaged in. I have asked Mr. Wallis for assistance and for reference, and he has been able to give it to me without trouble. I do not speak of the law department, because that has been spoken of so much.

Mr. HOLL—Did I understand you to say that you were a lawyer? A. No, you did not.

Q. I understood that Colonel Ball asked you whether you were a lawyer, practicing law in Sacramento? A. No; he asked me if I was an attorney, and I answered that I was.

#### TESTIMONY OF C. E. GUNN—Recalled for the defense.

##### *Competency of Librarian.*

Mr. BALL—Mr. Gunn, please examine this book; what is this book? A. This is a cash book and general account book of the State Library.

Q. By whom is it kept? A. By Mr. Wallis.

Q. Who devised the system of keeping the book in this manner? A. Mr. Wallis.

Q. Is it kept in the same system that it was prior to Mr. Wallis taking charge of the State Library? A. No.

Q. Mr. Wallis, you say, keeps the book? A. Yes.

Mr. BALL—We offer this book in evidence.

Q. Are there any other books kept? A. Yes.

Q. Than this? A. Yes.

Q. Is there a book called the "Register" kept? A. Yes.

Q. By whom? A. By Mr. Wallis.

Q. Look at this book, and see if it is the "Register" to which you referred? A. That is the "Register" in which is kept a record of the books purchased or otherwise received.

Q. It is denominated "Register of Books, State Library." Is this book marked "Cash Book"—the book that was kept prior to Mr.



Wallis devising the cash book system, now in use in the library? A. Now in use?

Q. Yes; is this the book that was kept prior to Mr. Wallis devising the system in which the cash account is now kept? A. That is the book in which I understood——

Mr. HOLL—I object, unless he knows that the book was kept.

Mr. BALL—Was it in the office? A. I understand it was. I never saw anybody write in it, but I was told so.

Q. You found it here on the files, purporting to be the cash book that had been kept? A. Yes.

Q. When you came into the office? A. Yes.

Mr. BALL—We offer that, also, in evidence.

Mr. EDGERTON—The ruling will be reserved.

*Cross-examination—Opening and Detention of Letters.*

Mr. HOLL—Mr. Gunn, in April of last year, there was some difficulty about a letter, that it was claimed by Miss Patton was not delivered until after it was in the library for a day? A. In April of last year?

Q. Last April? A. I do not remember any difficulty about it.

Q. You remember the fact of such a letter having been received here, and that there was something said about its having been retained by Mr. Wallis? A. I remember of Miss Patton speaking to me about it—something about it.

Q. What I want to call your attention to is this: Did you hear a conversation, in reference to that letter, in the private office of Mr. Wallis, between Mr. Freeman—Frank Freeman—and Miss Patton? Were you in the room at the time that they had a conversation about that letter? A. I do not think I was. I do not recollect any such conversation.

Q. Reflect a moment, and see if you do not remember it. If you do remember it I wish you would state what you heard of it? A. I may be confused as to the date.

Q. I want to call your attention to it? A. I do not want to say “No,” but I do not recollect a conversation at that date.

Q. Let me call your attention to the circumstances to refresh your memory. It is in reference to a letter delivered by the messenger of Wells, Fargo & Co., and it is claimed that it was delivered one morning, and that it was detained by somebody in the library, and was not delivered to Miss Patton until the following morning, when she found the letter laying upon her table. It is that circumstance to which I wish to call your attention? A. I do not recollect any conversation between Miss Patton and Mr. Freeman.

*Adjournment to San Francisco.*

.Mr. HINKSON asked, that when the Board adjourns it will be to meet at San Francisco, to take some additional testimony. He said he would ask for that course to be pursued unless the prosecution would admit certain letters in evidence from gentlemen residing in



San Francisco. Judge Holl declined to admit the letters in evidence, and Mr. Edgerton stated that the order to meet at San Francisco when the Board closed its session here would be made at the proper time.

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EVENING SESSION.

TESTIMONY OF R. T. DEVLIN.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is R. T. Devlin? Answer—Yes.

Q. You reside in Sacramento City? A. Yes.

Q. You are an attorney at law? A. Yes.

Q. And have been practicing law here for a number of years? A. Yes.

*Competency and Deportment of Librarian.*

Q. Have you had frequent occasion to visit the State Library during the past few years? A. Yes.

Q. Do you know T. H. Wallis? A. I do.

Q. Have you had business relations with him in the State Library? A. Well, so far as his duties as Librarian are concerned.

Q. State to the Board as to his manner, his deportment, and his treatment of you and of other persons as it came under your observation, as to whether it was courteous, polite, affable, gentlemanly, or the opposite?

Mr. HOLL—I object, on the ground that there is no complaint made against Mr. Wallis of treating this gentleman discourteously.

The Board overruled the objection.

A. Well, I have had occasion a number of times to visit the Law Library; most of my researches have been made in that department of the library. I found Mr. Wallis there a number of times, and have had occasion to make inquiries of him concerning books and other matters; and he has always given me all the information I desired, and he has treated me courteously and he has treated others in the same way. I have noticed nothing to the contrary.

Q. State if he manifested any knowledge of the books in that department of the library? A. I think he did, so far as the Law Library was concerned. Of course my testimony is confined to that. He seemed to possess a great knowledge of the books in that department and of their value as authority.

*Cross-examination.*

Mr. HOLL—He afforded you all the information in his power; how much was that? A. Well, if I asked him if there were other textbooks on a certain subject than the ones that I was acquainted with, he answered the question if he was able.

Q. And if he was not, then what did he do? A. Then he gener-



ally referred to a reference manual there, without causing me to do it, and looked over it himself, and frequently brought books to me.

Q. Now, Mr. Devlin, what you mean to say is, that Mr. Wallis, to the extent of his ability, was obliging to you? A. Yes.

Q. You would expect to meet that same obliging spirit in State officers and other officers generally? A. I certainly would expect it; yes.

Q. Was there anything peculiar about Mr. Wallis that took him out of the general category of public officers as to the deportment which he manifested towards people who visited the library on business? A. Mr. Wallis and myself were acquainted before we were admitted to the bar, and I was very intimate with him.

Q. Do you think he was more disposed to favor you? A. No. You ask me if I would expect any more from him than what I would expect from a State officer. I say I would not. If I had any business with a State officer with whom I was not personally acquainted, I would simply expect to transact my business and go away, but we conversed on other matters.

Q. In what way did he furnish you information when you went into the Law Library, and how was he able to furnish you information? A. Well, in the way that I have specified. Of course I could have obtained that information, if I had desired it, myself, by searching the books. I might ask, for instance, if there was a text-book on some particular subdivision of the law that I desired to investigate—some particular subject—and instead of looking at the general text-book, I might ask if there were any particular text-books on that subject, or I might ask him if there was such a book on that subject, and if a case was interesting, I might state the case to him in a general way, and he has frequently given me some information or some ideas that have been of advantage to me.

Q. When you made any inquiry as to the latest text-books upon any given subject or branch of the law, you found that he knew whether he had such a book in his library? A. Yes.

Q. If he had it, he was kind enough to furnish it to you? A. Yes.

Q. With alacrity? A. Yes, certainly. Then another matter has come to my mind since you have called my attention to it, with reference to abbreviations: in some of the old English reports lawyers do not pretend to know what the abbreviations mean that are used; sometimes I have asked him for an explanation in looking for an authority in some of those reports.

Q. You found that he knew it, sometimes? A. Yes, sometimes he did, and sometimes he did not, of course.

Q. Do you know the fact that he had been in that position in the library there as assistant for about twelve years? A. Yes, for a number of years.

Q. That experience there would naturally give him more information on a few given points than what you had? A. Yes.

Q. And he was willing to give you the benefit of that information? A. Yes.

Q. That is about the extent of your knowledge of Mr. Wallis'



capacity? A. As to his capacity as to giving information that is about the extent of it, I presume.

Q. The only information that you received from him that you did not possess, was simply that he knew some few abbreviations that you did not know? A. Yes, and with reference to books.

Q. With reference to books he simply could inform you whether he had certain books or certain editions? A. Mr. Wallis often expressed an opinion to me. I do not know whether I paid much attention to it, but he expressed an opinion as to whether one book was more full than others, or whether it was better authority.

Q. Were you controlled in your investigations by his opinion as to the value of authorities? A. No, I do not suppose any one would be.

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### TESTIMONY OF W. H. BEATTY.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is W. H. Beatty? Answer—Yes.

Q. You reside in Sacramento City? A. I do.

Q. You are an attorney at law? A. Yes; I am.

Q. You have had occasion to use and visit the State Library during your residence in this city? A. Quite frequently within the last two years.

Q. Did you ever hold any official position in connection with the State Library of the State of Nevada when you were residing there?

A. I was ex officio one of the Trustees of the library for four years.

Q. By virtue of your office as Chief Justice of the Supreme Court?

A. As one of the Justices of the Supreme Court.

### *Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis, the State Librarian? A. I have known Mr. Wallis by sight something like two years, and I have known him personally something over a year, perhaps a year and a half.

Q. In your visits to the State Library, which you say have been frequent, if you were brought into intercourse and in business connection with the Librarian, state as to his manner and deportment and treatment of you, and his treatment of other persons as it came under your knowledge, whether it was courteous, polite, and gentlemanly? A. I found Mr. Wallis almost invariably exceedingly accommodating and obliging as Librarian. He has gone out of his way and has done much more than his duty would call upon him to do for me, and that without any obligation to do so. I have not held any position that he should court my influence particularly. I have not noticed his treatment of others, but his treatment of me has been exceedingly obliging.

Q. State whether he manifested any knowledge of the books in the library? A. As to that I do not know particularly; when I have myself not been able to find any book, Mr. Wallis has always got it for



me; I remember one instance of some Louisiana authorities in which citations were made from writers on the French law, annotators of the French Code—the Civil Code. They were cited very extensively, and I wished to find out their standing as authority. Mr. Wallis assisted me in looking through some bibliography of French writers, and of their several works on that subject, and an account of those writers, and between us we exhausted the subject; he was of very great assistance to me. That was one of the instances in which I thought he went far beyond his duty as Librarian in rendering me assistance.

*Cross-examination.*

Mr. HOLL—The benefit you received from Mr. Wallis at that time did not consist of any superior knowledge that he had on the subject, or was it in his readiness to assist you in looking up such knowledge as could be found in the books in the library? A. Well, Mr. Wallis did not seem to be a walking bibliographer himself, but he seemed to know how to go to work on that subject.

Q. Whether the benefit you received from Mr. Wallis was in consequence of any superior knowledge that he possessed in reference to these matters, or whether it was because of his diligence and willingness to assist you in examining such works as were supposed by you and him to contain the information you desired? A. I do not know what you call superior knowledge; he knew more about it than I did.

Q. In what respect did he know any more about it than you did? A. He knew that there were in the library those books that I speak of, those bibliographies, descriptive catalogues of French writers on the Civil Code, and he found them for me, and from them we obtained reference to other books, and traced the subject up fully.

Q. Did that amount to anything more on his part than simply a knowledge that books of that character were contained in the library? A. It amounted to this: that he knew how to go to work with the books in the library to find out about the subjects we were investigating. He knew how to work with his tools, in other words.

Q. He knew something about the tools that he could work with in the library? A. Yes.

Q. Now, Judge Beatty, you are a man that takes some interest in general literature, are you not? A. Well, I suppose that I do—probably more than the average.

Q. You are familiar to some extent with English literature? A. Well, I do not profess to be a man of any particular superior attainments in that regard.

Q. You give some attention to general literature, do you not? A. Yes; I do.

Q. Did you ever talk when you were in the library—did you ever enter into a discussion of the subject of general literature with Mr. Wallis? A. I never did. I have gone into the miscellaneous library for the purpose of finding some books when I was looking up a matter connected with the late war, and Mr. Wallis assisted me in that,



and he found the books that I wanted; but that is the only time out of the Law Library that I ever had anything to do with him.

Q. The matter I wish to call your attention to is as to what you can tell us, if anything, as to Mr. Wallis' general knowledge of literature? A. I do not know that I ever have. I never heard him discuss any subject connected with general literature.

Q. You have never talked with him about it? A. No; my talk with him has been about law books exclusively.

Q. Your intercourse with him at the library was investigating matters that you came to investigate especially, and not to talk about topics of literary interest, and in such matters as you were trying to investigate he was of some assistance? A. He was of great assistance to me. I am only doing him simple justice in saying that he went out of his way. He did more than a Librarian is called upon to do. You know that in text-books cases are frequently wrongly cited, and they are frequently miscited in briefs, and frequently, when I have failed to find a case at the place where it was cited, he has hunted it up in his index, and has found it in its proper place.

Q. Then, in the way of using his index, and in the way of being able to find such cases in the library, he showed some skill? A. Yes.

Q. But upon his general knowledge as to what he knew about general literature, or upon any subject of human knowledge, you never talked with him, and know nothing about him? A. No.

#### TESTIMONY OF GEORGE E. BATES.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is George E. Bates? Answer—Yes.

Q. You reside in Sacramento City? A. Yes.

Q. You are an attorney at law? A. Yes.

Q. You have been practicing here for a number of years? A. Yes.

#### *Competency and Deportment of Librarian.*

Q. You know T. H. Wallis, the State Librarian? A. Yes.

Q. Has your business led you quite frequently into the State Library, and brought you in contact with Mr. Wallis in the discharge of his official duties? A. Yes; in the Law Library.

Q. State to the Board now as to how you found Mr. Wallis in his treatment of you and of others as it came under your observation—as to whether it was polite, courteous, affable, and gentlemanly, or the opposite? A. His treatment of me and of others, so far as I have known it, has always been polite and courteous. He always afforded me all the information I desired about matters in the Law Library.

Q. State whether or not he manifested a knowledge and an acquaintance with the books in the library, and their classification and arrangement? A. He seemed to have a perfect knowledge of



the books in the Law Library. I never asked him about books in the General Library.

*Cross-examination.*

Mr. HOLL—You say he afforded you all the knowledge you desired; you mean that you simply asked him the questions and he answered them, or what do I understand by your saying that he afforded you the knowledge? A. Well, I wanted to find certain books and certain cases cited in books, and very often, as Judge Beatty has said, they are wrongly cited in the text-books, and very often abbreviations are used, and I did not know what they meant. Of course I could have found them in the proper books, but he had it all in his head. He could tell me what the abbreviations meant, and what reports they were, when I asked him, and he would go and find them for me and bring them to me.

Q. It was not the matter of abbreviations that you came to the library to investigate, was it? You came here to investigate general subjects of law? A. Of course, it was general subjects of law.

Q. When you say he afforded you information, you mean that he furnished you the means by which you obtained the information? A. Yes; certainly. I did not go to the Law Library to get his opinion on legal subjects.

TESTIMONY OF HENRY L. BUCKLEY.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is Henry L. Buckley? Answer—Yes.

Q. You reside in Sacramento City? A. Yes.

Q. You are an attorney at law? A. Yes.

Q. And ex-District Attorney of this county? A. Yes.

*Competency and Department of Librarian.*

Q. You know Talbot H. Wallis? A. Quite well.

Q. And have for a number of years? A. Seven or eight years.

Q. Has your business brought you in contact with Mr. Wallis in the discharge of his official duties as State Librarian? A. Yes.

Q. You visit the library quite frequently? A. I do.

Q. In both the law department and in the miscellaneous department? A. Well, principally in the law department.

Q. You have noticed his conduct in the miscellaneous department also? A. His conduct I have noticed; yes.

Q. State to the Board as to his treatment of you, and of other persons, as it came under your observation in the discharge of his duties there, as to whether he was polite, courteous, affable, gentlemanly, or the opposite? A. Well, he has always acted politely to me, and I have never noticed him act otherwise to any one else.

Q. State if he manifested any knowledge of the books, and of their divisions and classifications, in the library under his charge? A. Well, in visiting the Law Library for the purpose of looking up such



question as I desired to look up, of course I knew very little of the arrangement of the books and of the abbreviations spoken of by the other witnesses, and in calling on Mr. Wallis I never noticed him experience any difficulty in understanding the abbreviations and knowing where the books were located in the library. He knew just where to search for the book that was wanted.

Q. You are at present in partnership in the practice of law with Judge Holl? A. Yes, we are partners.

No cross-examination.

### TESTIMONY OF ELWOOD BRUNER.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is Elwood Bruner? Answer—Yes.

Q. You are an attorney at law? A. Yes.

Q. You reside in Sacramento City? A. Yes.

A. And have for a number of years? A. Yes.

### *Competency and Deportment of Librarian.*

Q. You know T. H. Wallis, the State Librarian? A. Yes.

Q. And have for a number of years? A. Yes.

Q. Has your business and your official position as a member of the Legislature led you into the State Library quite frequently, so as to have seen him in the discharge of his official duties? A. Yes.

Q. State to the Board as to his deportment and manner, and treatment of you and of other persons, as it came under your observation, whether it was courteous, polite, affable, gentlemanly, or the opposite? A. Mr. Wallis has always acted the perfect gentleman to me, and, as far as I know, to every one else. I have never seen him act otherwise.

Q. If I recollect right, you was a member or the Chairman of the Committee on State Library during your term? A. Yes; I was not the Chairman; I was a member of the committee. I will take that back; I was not on the committee.

Q. State if Mr. Wallis manifested any knowledge of the books and of the arrangement and classification of the books in the library? A. I will say that I never inquired for any book but what it was immediately brought to me. There seemed to be no hesitation whatever about it.

### *Cross-examination.*

Mr. HOLL—You mean in the Law Library? A. Yes.

Q. You know something of the arrangement of the Law Library yourself? A. Yes; I do.

Q. The reports of the different States are placed together and the names of the States are marked on the shelves? A. Yes.

Q. And when you would call for any report he would readily go and get it? A. Yes; but there are many of the State reports that go by the names of the men who edit them, so that they are difficult



to find by a man who is not familiar with them. That is also the case with the English reports.

Q. As, for instance, the Ohio reports, they go by the names of a number of different persons? A. Yes.

Q. But they are all arranged in the library under the name "Ohio?" A. Yes.

Q. If a man knew that it was an Ohio report, he would simply go and look at those reports? A. I will give you an instance: the Yerger reports are always put down simply as "Yerger," and a man must know that it is a Tennessee report.

Q. He knew the fact that the Yerger reports were Tennessee reports? A. Yes.

Q. And he could go to where the Tennessee reports were and find them? A. Yes.

### TESTIMONY OF C. H. DUNN.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is Chauncey H. Dunn? Answer—Yes.

Q. You are an attorney at law? A. Yes.

Q. You reside in the City of Sacramento? A. Yes.

Q. And have for some time? A. A little over a year.

### *Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis, the State Librarian? A. Yes.

Q. Has your business been such as to bring you quite frequently to the State Library during the past year? A. Well, for about eleven months nearly every day except Sundays.

Q. You have seen Mr. Wallis during the times you have visited here while in the discharge of his official duties? A. Nearly every day.

Q. State to the Board as to his treatment of you and of other people, as it came under your observation; whether it was courteous, polite, affable, and gentlemanly, or the opposite? A. It always has been so to me; he always has treated me as a gentleman; there never has been anything in which he has not treated me as a gentleman.

Q. That same course of conduct extended, so far as you could see, to other people? A. Yes, so far as I could see it extended to others; I do not remember of his ever doing anything ungentlemanly to any one.

Q. State whether or not he manifested a knowledge and acquaintance with the books and the classification and arrangement in the library? A. He has, so far as I have ever asked him for books.

Q. Most of your labors have been in the Law Library? A. They have been there entirely.

Q. Do a number of people visit the Law Library? A. Well, at times, especially during the Legislature.

Q. Quite a number? A. A great many then. Other times, not so



many. Probably, three, four, or half-a-dozen during the afternoon. I have not been here during the forenoon except a very few times.

*Cross-examination.*

Mr. HOIL—Your visits to the library have been confined to the Law Department? A. Well, there is where my work has been. I have been in the general library, but it has simply been to step in as a visitor and to look around, and sometimes I have gone there to speak to an attendant of the library.

Q. When you speak of Mr. Wallis assisting you and being clever, you mean that it was confined to the Law Library. That is where you required the assistance of him? A. That is all that I have ever asked for his assistance. I never got but one book from the general library, or two, rather. I got them both at the same time.

Q. Can you give us any idea of what you mean when you say he rendered you assistance? What did you ask of him? A. In the work that I have to do I have to gather a great many cases, and there are an immense number of authors of law reports. I was not familiar with them. I called on him sometimes to tell me where I could get certain books, and he has frequently got them himself for me, and sometimes he has told me where I could get them. Sometimes he did one thing and sometimes the other. I was satisfied if he would only tell me where I could get the books.

Q. If you wanted a certain book you named it to him, and he would sometimes tell you where to get it and sometimes he would get it himself? A. I did not name it to him, because they are abbreviated, as you know.

Q. You would give him the abbreviation? A. Yes; and I would ask him what report it was, or what State perhaps, or if it was an English report, or an Irish report, or a Canadian report, and where I could find it.

Q. He seemed to understand the abbreviations that are used in law books? A. Yes.

Q. And he could tell you what such reports were and where you could find them in the library? A. Yes.

Q. In the miscellaneous library you got but two books? A. Yes, but at the same time.

Q. You have no knowledge of what he knows of the miscellaneous library? A. No.

TESTIMONY OF A. F. GODDARD.

Called and sworn on behalf of the defense.

Mr. JOHNSON—Your name is A. F. Goddard? Answer—Yes.

Q. You reside in Sacramento City? A. Yes.

Q. And have resided here for a number of years? A. Yes.



*Competency and Deportment of Librarian.*

Q. Do you know Mr. T. H. Wallis, the present State Librarian?  
A. Quite well.

Q. And have for a number of years? A. Yes.

Q. You have paid considerable attention to astronomy and science during the past number of years? A. Yes; to some extent.

Q. And you have written a large number of communications to papers and magazines in relation thereto? A. Yes; from time to time.

Q. Have your researches and endeavors to make yourself acquainted with these subjects brought you frequently into the State Library, and in contact with Mr. Wallis? A. At certain seasons. I never could give much time to the Summer season, but I have given as much as I could in the Autumn and Winter. I have been here frequently.

Q. And at those times you have been brought into official relations, or business relations I mean, with Mr. Wallis, the State Librarian? A. Yes.

Q. State to the Board as to Mr. Wallis' treatment of you and other people as it came under your observation—whether it was polite, courteous, obliging, and gentlemanly, or the opposite? A. With uniform courtesy. I never found anything else.

Q. State as to whether or not he manifested a knowledge of the books in the library, and of their arrangement and classification, and whether he was of any assistance to you in finding books? A. Perfectly so. He never appeared to be at a loss in knowing where a book was in any part of the library. At times I would want to consult a number of books at the same time, principally in the philosophical departments, and he knew where they could be found.

*Cross-examination.*

Mr. HOLL—What portion of the year were you generally in the library the most? A. Generally in the Winter and Spring time of the year. One season I was away the whole Winter in San Francisco.

Q. Do you make the State Library the place where you study astronomy, or investigate the science of astronomy? A. Not entirely so; I come here principally for reference, and particularly to see the nautical almanacs.

Q. In your investigations into the subject of astronomy what demands for assistance did you make on Mr. Wallis? A. I might want to know whether there were certain books in the library, and he would tell me immediately.

Q. You would name the books? A. Yes.

Q. And you would tell him what books you wanted? A. Sometimes I would not be able to name the books exactly, but he would tell me, "I think you will find it in such a book." He would take me to the compartment, and there perhaps I would find the book that I wanted.

Q. Can you give us an instance in which you were aided in your



investigation of astronomy by any information received from him?  
A. I forget now whether it was Mr. Gunn——

Q. When you refer to Mr. Gunn be careful and do not mix him up with Mr. Wallis. Do not confound those two gentlemen. A. Sometimes Mr. Gunn has gone up with me into the alcove, and sometimes Mr. Wallis; but of course during the long period that Mr. Wallis was assisting Mr. Cravens he was the chief deputy, and subsequently I did not see him so much.

Q. I want to know whether you are testifying in referenee to what information you received from Mr. Gunn, or what you received from Mr. Wallis? I want you to state nothing about Mr. Gunn, but all that you can remember of the information that you received from Mr. Wallis? A. I do not remember anything but perfect courtesy.

Q. That is not the question that I am now inquiring about. Did you ever talk on the subject of astronomy with Mr. Wallis. Did you ever discuss that science with him? A. In relation more to geography than anything else.

Q. Did you ever discuss the subject of geography with him?

Mr. JOHNSON objected, as irrelevant, immaterial, and incompetent, and as not responsive to any of the issues involved in this case, and as not cross-examination.

The Board overruled the objection.

Mr. HOLL—Did you ever discuss the subject of astronomy or geography with Mr. Wallis, independent of inquiring for certain books?

A. I think perhaps there has been some discussion in regard to it. I think I might explain in a few words. Last December Major Bender and myself undertook an observation of the transit of Venus.

Q. In this building? A. In this building, and it led to some little confusion, and brought up the question of the latitude and longitude of Sacramento.

Mr. EDGERTON—We do not care to hear this explanation.

Mr. JOHNSON—We desire to have him finish the explanation.

After some little discussion, the witness was permitted to finish his explanation.

Mr. JOHNSON—Did Mr. Wallis assist you in ascertaining that latitude and longitude? A. He assisted me to some extent in telling me where I might probably find something about it. He referred me to the State Engineer, and there I found something. The point was this: we wanted to ascertain what was the latitude and longitude of Lick's Observatory to connect it with that of Sacramento. We found in the Land Office a plot, but it was not sufficient, and then we got it pretty well in the State Engineer's office, but not entirely, and I made some computations from the data I got in the State Engineer's office, and determined what must be the actual longitude and latitude of this State Capitol, which had never been determined before. I think I got it as nearly as possible, and I sent it to Washington.

Mr. HOLL—What assistance did Mr. Wallis give you in that matter? A. In that particular matter he referred me to the State Engineer.

Q. Did he render you any assistance in any other respect in that



particular matter? A. In that particular matter I do not know as there was anything more especially called for.

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TESTIMONY OF MRS. ZIMMERMAN—Recalled for the defense.

*Opening and Detention of Letters.*

Mr. BALL—Mrs. Zimmerman, in your testimony you spoke of a conversation which happened on the cars that occurred between you and Mr. Wallis, in which you spoke of his saying something in relation to a letter. I ask you now whether you meant to be understood to say that Mr. Wallis intimated to you that he had opened any letter?

Mr. HOLL objected, that the witness had been examined and cross-examined on that subject fully.

The Board overruled the objection.

A. I will repeat the answer that he made to me. Mr. Wallis and I were talking about this library matter, and I asked him if he did not think it was a very foolish quarrel, and I scolded him somewhat for this trouble. Then I asked this question: "What about this letter that they accuse you of opening?" He said: "I will tell you. There is a true inwardness in this matter, and it will all come out."

Mr. HOLL—Did not you repeat that yesterday? A. Yes, I did repeat it, and I told the truth about it, and I will tell the same thing about it to-night.

Mr. BALL—Did Mr. Wallis say that he had opened any letter? A. He did not.

Q. Did he say anything that led you to believe that he had? A. Am I allowed to say what I believe?

Mr. EDGERTON—Did he say anything that led you to believe it? A. I could tell you my thoughts.

Q. It is not what you now think about it—whether he did say that he did? A. Am I to tell what my thoughts were then?

Mr. BALL—Did Mr. Wallis say anything to you which led you to the opinion that he had opened that letter; did Mr. Wallis say anything that led your mind to any such conclusion? A. I have got to say something that I believe. I believe that Mr. Wallis is a man of such honor that he would not open a letter; that is my belief, and it was my belief then, but I do not know anything about the law, and I did not know that it was against the law to keep a letter that was not your own and not deliver it. His language inferred to me that he still had that letter in his possession, and never had delivered it, and that is my belief about it, that he has got that letter still in his possession.

Q. Got it yet? A. That is my opinion, that he has got it yet; that is my belief about it from the language he used to me.

Q. He did not use any language that led you to believe that he had opened the letter? A. No, in my heart I do not believe it, nor I never did.



*Cross-examination.*

Mr. HOLL—Did he say anything that led your mind to the conclusion that he had done anything with that letter except to let it lay there undelivered? A. He led me to believe then that he had the letter in his possession, and that he never had delivered it, and I looked at him with all the eyes I had in my head, because I thought he had it in his possession and never had given it up, because he possessed that power and acuteness of mind, and knew that there was something in that letter from the size of it or something.

Mr. EDGERTON—Psychology? A. Yes, psychology—that he knew that there was something “hocus-pocus” in it, and I was such a fool that I did not know it was against the law to do it.

## TESTIMONY OF J. J. OWEN—Recalled for the defense.

Mr. JOHNSON—You are now, and have been for the past five or six years, the managing editor and general manager of the San José Mercury? A. Yes.

## TESTIMONY OF TALBOT H. WALLIS—Recalled for the defense.

*Conspiracy against Librarian.*

Mr. JOHNSON—What book is that? A. A scrap book kept by myself—a private scrap book.

Q. Is it paged? A. Yes.

Q. What page are you looking at? A. Page 34.

Q. State if that page 34 contains any extracts from the editorial columns of the San José Daily Mercury, and if so, give the month and the year of the publication of the editorial? A. There are four here; I cannot exactly give the dates.

Q. There are four different extracts? A. No, there are three; one of them is copied.

Q. The one I want is this one; it is the one that is headed “An Ugly Fight.” State whether or not that is an extract from the editorial columns of the San José Daily Mercury? A. Yes.

Q. State, if you can, the month, whether it was in the month of February or March, 1882, that that appeared? A. I cannot exactly state.

Q. You can tell from the reading of it? A. Wait one moment and I can tell. This article here that you have reference to was published after the election of the Trustees by the Legislature.

Q. Then I have marked the wrong one. What page is that article on that we were looking at? A. It is on page 38, March 4, 1883, San José Mercury.



Q. Do you know of your own knowledge that that article appeared in the San José Mercury? A. Yes.

Q. And that that slip was cut from the San José Mercury and pasted in that book? A. Yes.

Mr. HOLL—Did you cut that out of the San José Mercury and paste it in this book? A. I did.

Q. What book is this? A. My own private scrap book.

Q. Your own private scrap book? A. Yes.

Q. Is it kept for any special object? A. Yes; there are quite a number of my articles in it.

Q. A number of what? A. A number of my articles.

Mr. JOHNSON—We offer that article in evidence.

Mr. HOLL—We object, that it is irrelevant, that it does not prove or disprove any of the issues here presented, and that it is not competent.

The objection was overruled.

The article was read as follows:

#### “THE STATE LIBRARY BOARD

“Will be about the only one left to the present management. It will be difficult for the Democrats to find a good cause or reasonable pretense for interfering with the library officers with the eulogistic report of the Assembly Committee, headed by so sterling a Democrat as Dr. Briceland, before them. This report states that the library has never been in such excellent condition, and it devotes to the Librarian and those in the library as employés a measure of praise for capability, studiousness, faithfulness, and economy, which has never been stated of any of their predecessors. Everything is in the most thorough order, and all in the institution give the utmost care to making the library that which it has always been the pride and the study of the State to make it. A more complimentary report or a more deserved one has never been presented of any officer in the State. And a prolonged visit to the library will satisfy any impartial person that this high praise is fully sustained.”

MR. JOHNSON—Now, Mr. Wallis, is there any regulation as to the hours during which the State Library is open? A. Yes.

Q. State the hours? A. From nine to four, when the Legislature and the Supreme Court are not in session.

Q. Did you ever, at any time, or under any circumstances, or at any place, open any letter or envelope addressed to Miss M. A. Patton? A. No.

Q. Did you ever, at any time, or at any place, or under any circumstances, intentionally detain or keep from Miss Patton any letter, whether by mail or by Wells, Fargo & Co.? A. No.

Q. There has been testimony given here in relation to a certain letter received through Wells, Fargo & Co.'s Express, directed to Miss Patton, which Miss Patton claims was not delivered to her at the proper time. Please explain your conduct in relation to that letter?

Mr. HOLL—I want to make this suggestion to the Board: Mr. Wallis is now called by his counsel as a witness in this case. He was



called by us last night, and we proceeded with a perfectly legitimate, orderly, competent, and proper examination, as this Board unanimously determined. He was our witness then. Mr. Wallis absolutely and continuously, and all the time, refused to answer such pertinent questions as this Board said he ought to answer. He is in contempt, as much as any witness possibly could be of a tribunal before whom he testifies. I submit to the Board whether this man ought to be permitted to be heard now as a witness in this case. When he was called as a witness he brought himself into contempt of this Board, and stands unpurged of that contempt. I make this suggestion because I deem it proper to submit it to the Board.

Mr. EDGERTON—I suppose that you would have the right to the exclusion of this testimony, on the ground that the witness would not be permitted to state one half of a case, and refuse to answer proper questions as to the other portion. Do you object to the testimony?

Mr. HOLL—It strikes me that this is a matter that addresses itself entirely to the Board.

Mr. EDGERTON—We have held that the witness has no right to testify in his own behalf, having refused to testify upon such subjects and in answer to such questions as the Board have ruled to be competent.

After a lengthy argument, the question as to whether the witness should be allowed to testify, was reserved for the action of the full Board.

The Board then adjourned to meet at San Francisco at the call of the President, upon notice to counsel on each side of five days.

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STATE LIBRARY, December 28, 1883.

Board called to order at half-past one o'clock p. m. by President A. C. Freeman. Present, Freeman, Edgerton, and Johnson.

A. C. Hinkson Esq., appeared as counsel for T. H. Wallis, and asked permission to take testimony in San Francisco relative to the investigation of the charges preferred by Trustee J. J. Owen against T. H. Wallis; said testimony to be taken by deposition before a Notary Public; and asked further that the meeting of the Board at San Francisco, provided for at the last meeting, be postponed.

Mr. Holl, who appeared for the prosecution, objected, because he desired the Board to meet in San Francisco to take testimony.

After a general discussion, Mr. Hinkson acceded to a proposition by Mr. Holl to take the testimony of San Francisco witnesses before Mr. Johnson at that place; whereupon Mr. Edgerton introduced the following order and moved its adoption:

“In the matter of the charges now pending against Mr. Wallis, Librarian, on motion of Mr. Edgerton, all the parties interested being present by their attorneys and consenting thereto, it is ordered that the further taking of testimony in San Francisco be referred to Mr.



Matt. F. Johnson, and that all of his rulings upon the admissibility or exclusion of evidence upon the taking of such testimony shall be final and conclusive upon both the parties to said charges. But nothing in this order shall be so construed as to preclude the Board of Trustees from excluding and admitting any testimony which may be hereafter offered by either of said parties."

The motion was carried, Messrs. Edgerton and Freeman voting in the affirmative—Johnson not voting.

On motion of Mr. Johnson, Mr. Wallis was empowered to select a suitable room.

TALBOT H. WALLIS,  
Secretary.

The following additional testimony was taken at room No. 16 Grand Hotel, San Francisco, before Honorable Matt. F. Johnson, a member of the Board of Trustees of the State Library, on Thursday, January 3, 1884. At the taking of this testimony the prosecution was represented by S. Solon Holl, and the defense by Add. C. Hinkson and Honorable J. S. Wallis.

#### TESTIMONY OF F. R. DANFORTH.

Called and sworn on behalf of defense.

Mr. HINKSON—Where do you reside? Answer—In San Francisco.

Q. What is your business? A. I am a shipping clerk with Huntington, Hopkins & Co.

#### *Competency and Deportment of Librarian.*

Q. Do you know T. H. Wallis, the State Librarian? A. Very well.

Q. How long have you known him? A. I have known him for nearly four years now; since the time I came to Sacramento to reside.

Q. Please state the nature of your acquaintance with him while you resided in Sacramento? A. While I was at Sacramento I had a position in D. M. Burns' office, then Secretary of State, and I was one of the recording clerks for two years and seven months, and then I was bookkeeper for five months. At that time I had a great deal of business to do with Mr. Wallis in the State Library; in fact we had a great many letters written to us for information that we could not give without the use of the State Library, and I always had to go to Mr. Wallis to get such information as I needed.

Q. Why did you go to Mr. Wallis in person to transact these matters? A. I went to the State Library and most always Mr. Wallis waited on me in person, even before he was State Librarian. I always found him very gentlemanly in every manner.

Q. Please state what his treatment of you was during your social and official intercourse with him, in regard to his demeanor?

Mr. HOLL objected to testimony relative to social intercourse.



Mr. HINKSON—Very well, strike out the “social” part. A. In his official capacity?

Q. In regard to courtesy, etc.? A. It was all that I could wish. He gave me all the information that I asked for, and in fact put himself out at times more than I thought a man should. He was always accommodating.

Q. What was his treatment of visitors to the library so far as your observation goes? A. Very gentlemanly, so far as I know. In fact I brought a great many visitors there myself, outside of business relations.

Q. What, if you know, was the general reputation of his treatment of visitors there?

Mr. HOLL objected as irrelevant, and that general reputation is not a matter involved in this investigation.

Trustee JOHNSON—I will State that anything that affects his deportment, or his dignity in the conduct of his office, I think he has a right to prove by general reputation. I shall admit this question, because it goes to the question of his deportment, and that is something he has a right to rebut or defend against general reputation. I suggest that you confine your examination to general reputation as to dignity and deportment.

Mr. HINKSON—What was his general reputation with reference to his dignity and deportment to visitors at the library? A. As far as I know, it was good.

Mr. HOLL—In the first place, I think he should answer whether he knows.

Mr. HINKSON—Do you know what his reputation was with reference to dignity and deportment to visitors at the library? A. As far as I know.

Mr. HOLL—The question is whether you do know his reputation, which is made up of the hearsay of a considerable portion of the community—of what they say about him—that is, reputation? A. I never knew of anybody that was treated discourteously.

Mr. HINKSON—Do you know what his reputation was? Answer yes or no to that question. A. Will I answer it as far as I know personally?

Q. No; answer whether you know it or not? A. I can only answer what I know myself, and not what I have heard from the outside.

Q. I am not asking as to what you know yourself. I ask you, do you know his general reputation among people outside as to dignity and deportment to visitors, from what they have said and not from what you have seen yourself. Do you know his reputation? A. Yes; I think I do.

Q. State what that reputation is and has been with reference to dignity and deportment to visitors at the library? A. As far as I know—

Q. From his reputation, what is it; not in reference to what you know personally, but from what you have heard? A. It has been very gentlemanly and courteous to every one.

Q. Have you had facilities for knowing his familiarity with and



capacity for managing that library? A. Only from my business connection with him. That is all I know about it.

Q. In reference to that what do you know of his qualifications? A. His qualifications, as far as I had any business connection with him, were all that any one could ask for.

Q. How often did you visit the library? How often were you there at the office of the State Librarian? A. I was in the Secretary of State's office for about three years.

Q. How often did you visit the office of the State Librarian during that time in connection with business matters? A. Well, I suppose I visited it four days out of every week.

Q. During that period? A. Yes; and sometimes two or three times a day.

Q. Your opportunities were then ample for knowing? A. Yes.

Q. As to his capacity? A. Yes.

Q. I will ask you whether or not you went there for the purpose of making inquiries in regard to matters pertaining to the library? A. Yes; a great many times.

Q. State what efficiency Mr. Wallis displayed, if any, in connection with those matters? A. Well, he always supplied me with all the information I wished before I left there.

Q. What was the nature of your inquiries generally? A. In regard to the laws of the State, and lots of things.

Q. Many different things? A. Yes; many different things in connection with the State that I expected to find in the State Library. I cannot tell now all the things that I went there to inquire about.

*Cross-examination.*

Mr. HOLL—Mr. Danforth, did you ever hear the subject-matter of Mr. Wallis' deportment in the library discussed? Did you ever talk with anybody as to whether his deportment was good or bad, proper or improper? A. No; I do not think I did.

Q. You never heard anybody say anything about it? A. Yes; I have heard some people talk about it.

Q. How frequently have you discussed that matter with anybody? A. I have not discussed it.

Q. How did you come to hear it? A. I heard people talk on the outside.

Q. Whom? A. I do not know. I do not remember any particular one.

Q. Can you name anybody that you ever heard speak about it? A. No; I do not know as I can.

Q. You cannot name a single person? A. No.

Q. What was the occasion that they had to talk of his deportment at all? A. Well, of course I do not remember. I think it was the time that Mr. Wallis was making his fight for State Librarian.

Q. You think at that time you heard people talk about it? A. Yes.

Q. That could not have been about his deportment in the library? A. No; I do not mean in the library.



Q. Did you ever hear anybody say anything about his deportment in the library as the Librarian? A. No.

Q. You never did hear it? A. No.

Q. Then on that subject you do not mean to testify? A. No; I do not.

Q. You do not mean to say that you know anything of what other people have said about his conduct and his deportment as Librarian since he has been Librarian? A. No.

Q. What department of the Secretary of State's office did you administer? A. I was one of the recording clerks. I was what you might call a "general clerk." I acted at a great many desks when other clerks were away.

Q. What business took you to the library frequently? A. Well, a great many letters were received at the Secretary of State's office in regard to some matters, and asking for information that we could not give, and the Secretary of State would say, "Mr. Danforth, you will take this to the library and see about it." They were about laws and a great many things.

Q. Give us some illustration of the information that you sought and obtained there? Give us some instance? A. Well, at times, in regard to some laws, some old laws or some resolutions that had been passed by the Legislature a great many years ago; maybe I could not find the information I wished in the office, and I would go to the library and hunt over the files, or I would ask Mr. Wallis if he knew anything about it, or if he could find out anything about it in looking over the Journals.

Q. That is one instance; give us another? A. I do not know that I can give you any particular cases; maybe there would be something that I would want to find in regard to election returns that had been published in the Sacramento Record-Union, the files of which are always kept in the library, and I would go there and would always find Mr. Wallis willing to look up the files for me, or anything like that.

Q. That is about the extent of the general business that you had there? A. Yes; something like that, of course.

Q. Did you ever sit down and discuss the subject of general literature with Mr. Wallis? A. No, I never did.

Q. When did you ever discuss with him literary matters in any way or matters pertaining to the library, except such as you have stated that took you there from the Secretary of State's office? A. Well, I really do not know; I do not think I did. I went there on a certain business, and found out what I wanted and left.

Q. In your inquiries there you found Mr. Wallis ready and willing to assist you? A. Yes.

Q. He was accommodating to you in that way? A. Very accommodating.

Q. That is the extent of what you know of Mr. Wallis in the library; that he was willing and ready to show you what you wanted, and to help you in your search for the matters you sought for? A. Yes.

Mr. HINKSON—The attorney has made you testify that that was



the extent of your knowledge. I will ask you if, from these matters, you have any knowledge of Mr. Wallis' efficiency as a Librarian?

A. I can only tell you from what I know.

Q. From what you have seen? A. He filled the bill as far as I know, in every particular.

Q. You do claim to have some knowledge of his efficiency? A. Yes.

Mr. HOLL—The efficiency you speak of was in that department of which you have spoken; outside of that you do not know anything about his efficiency outside of the matters that took you to the library? A. No; I had no reason to inquire outside.

### TESTIMONY OF L. W. BUCK.

Called and sworn on behalf of the defense.

Mr. HINKSON—What official position do you now occupy? Answer—State Senator.

#### *Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. I do. I have known him for a year or more.

Q. Have you had any business transactions with him in your official capacity? A. Well, nothing more than to go in the office to look up points I wished to examine.

Q. What, if any, assistance did he render you? A. I often went in there, or at least quite a number of times, to find records of previous Legislatures, and laws and decisions on certain points, and he always gave me all the assistance that I asked for.

Q. State whether or not he seemed ready in those matters, and efficient? A. Always ready.

Q. And competent to give you the information that you sought? A. He seemed to be. Yes.

Q. What was his deportment towards you, and other persons in your presence? A. Always gentlemanly with me.

#### *Cross-examination.*

Mr. HOLL—You are a Senator from Solano County? A. Yes.

Q. Was this during the last session of the Legislature? A. Yes.

Q. How long was you there? A. I was there from the first of January.

Q. For sixty days? A. Yes; sixty days. I was there a little more than that.

Q. During that time about how many times do you think you were in the library when you called on the Librarian to assist you? A. Well, that would be a hard matter to tell. Very likely a dozen times, and perhaps twenty. I do not know.

Q. Can you give us any instance that you called on him, and what



information you sought, and how it was obtained for you? A. Well, there was a contest in the Senate, and I of course was interested in it.

Q. You mean as to the library? A. No; not at all; but in my own case.

Q. A contest for a seat? A. Yes; in the State Senate, in our county. Of course there were certain things that I and my attorney were looking up in the State Library, from the records of different contests in the preceding Senates, and also questions of law touching those points, and of course we were in there quite a number of times—I cannot give the number—and when we asked Mr. Wallis he always assisted us, and told us where we could find what we wanted, and I believe we generally found it.

Q. You mean so far as the books were concerned? A. Yes.

Q. He could tell you where to find the books? A. Yes.

Q. You then had occasion to search the Journals of the Senate? A. Yes.

Q. Of former sessions? A. Yes.

Q. It was that kind of books, the Journals of the Senate, that you wanted? A. No. We required the decisions of Courts of different States regarding election contests, and had more to do with the legal department than with the records.

Q. In your investigations of other States, and as to what other Courts had decided in previous contests, what assistance did Mr. Wallis render you outside of furnishing you with the books that you called for? A. I do not know of any. I did not ask him for any more.

Mr. J. S. WALLIS—He showed a ready knowledge of the various subjects that you went there to ask him in relation to? A. Well, anything further than simply the places to find them, and where we would find them, I do not know that we ever had any occasion to judge of his ability on the general points of law.

Q. He was prompt in showing you where you could find the authorities or such books as you wanted? A. Yes.

Mr. HOLL—He could furnish you the volumes you called for? A. We did not go to him as counsel in the case. I, of course, know nothing of Mr. Wallis except what I have known of him for the last year.

Q. He was ready to furnish you with anything you called for? A. Yes.

Q. He did not furnish you with anything that you did not call for by way of assisting you in your fight? A. No; we did not ask that of him.

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#### TESTIMONY OF THOS. F. O'CONNOR.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—In this city.

Q. What is your business? A. I am Secretary and Librarian for the Supreme Court.



*Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. Yes.

Q. How long have you known him? A. I think since 1871, when I first went to the Supreme Court.

Q. Have you had any business transactions with him? A. Not except as connected with the office officially.

Q. That is what I mean? A. Yes.

Q. State in what connection you have had business relations with him? A. Well, not much more than to get books, etc., from the library for the Judges. That is about all.

Q. Extending over a period of what length of time have you had those business relations with him? A. Well, I think I was there a little while before Mr. Wallis first came there; that is, before he was Librarian, I mean. I have been there since 1871.

Q. You have known him then in an official way for the last twelve years, during the time he has been there? A. Yes.

Q. Has your business intercourse been frequent with him during that period? A. Yes, rather.

Q. Just tell the nature of your business with him; how you came to have business with him and for what purpose, and the general details as near as you can? A. As I suggest, that was about all; I would go up, for instance, and request a book of him, or once in awhile I would ask him if he had anything on certain points. Sometimes the Judges would ask me to go to the library and hunt up something, a digest of something, and he would sometimes help me, and furnish the books. That is about all.

Q. Did you ever give the Librarian any points of law upon which you asked him to furnish you authorities? A. Well, not very often, but I have done so.

Q. State if he rendered you service in that particular? A. I would go up in this way, and say, "Wallis, see if you can find anything on this point."

Q. State what he did in answer to your request? A. Well, sometimes he would bring down a decision, and then again he would say that he could not find it.

Q. And was this on some point that you asked about? A. Yes.

Q. Did you ever ask him to make any selection of miscellaneous books of any kind for the Judges of the Supreme Court? A. Yes; they have frequently sent me up to get books. They would say to have Mr. Wallis pick them out some books.

Q. Miscellaneous books? A. Yes.

Q. Did he make those selections for you at different times? A. Yes.

Q. State whether or not the Judges ever expressed any opinion as to the selections made by Mr. Wallis.

Mr. HOLL objected as hearsay.

The objection was sustained, and counsel for defendant excepted.

Mr. HINKSON—What, during your frequent visits to the library, was Mr. Wallis' conduct with reference to dignity and deportment



towards yourself and other persons in the library? A. I never saw anything objectionable myself; I always found him everything that I could wish.

*Cross-examination.*

Mr. HOLL—Mr. O'Connor, did I understand you correctly in saying that the Judges of the Supreme Court would send you to Mr. Wallis to select miscellaneous literature for them to read during their leisure moments? A. Yes.

Q. Who sent you for that purpose? A. Judge McKinstry was one, for instance.

Q. Who else? A. Judge Crockett used to.

Q. Judge Crockett? A. Yes; I think so.

Q. Can you remember in any instance when these selections were made, what the literature that the Librarian selected for the Judges was? A. I know that Judge McKinstry had a taste for biographies and novels; late novels he would call for.

Q. Do I understand that to have been a request for you to go up and get something that Mr. Wallis would think would be suitable for him to read, or something that Mr. Wallis would consider was suitable to amuse him? A. I will answer it in this way: He would say, "Tom, go up and tell Wallis to pick out some books for me to read." That is when we would be up at Sacramento, for instance; that would be about the idea, and Mr. Wallis would bring them down himself.

Q. He would bring him down what? A. Novels and histories.

Q. What kind of novels did he supply the Judges with? A. Novels.

Q. What kind—what authors? A. I do not know. I did not wait for him to select them. I did not see the books at all. I would just go up.

Q. You do not know whether he selected English or American authors for the Judges to read? A. In fact, I know some of them were English, but about all I would see of them would be to see them lying on their desks afterwards.

Q. Did you ever see the Judges reading any of those books? A. Yes.

Q. They did read them? A. Yes.

Q. Judge Crockett and Judge McKinstry did that? A. Yes; Judge Crockett was more on these bric-a-brac works. He was not as heavy as Judge McKinstry.

Q. He did not read as heavy matter as Judge McKinstry? A. No; he was a little blind.

Q. Your business was to go up there and get books sometimes? A. Yes.

Q. You are the Librarian of the Supreme Court? A. Yes.

Q. The Supreme Court Library is nearly as large as the State Law Library? A. Well, they have some foreign books, but we have all the American and English books. It is very nearly as large.

Q. And sometimes when there were works that were not in your library you would go up and see if they were in the State Library? A. Yes.



Q. And you would ask Mr. Wallis for them? A. Yes.

Q. And he would furnish what he had? A. Yes.

Q. That is about the extent of your dealings with Mr. Wallis? A. As I said, they would say, "go up and see if you can find a decision on this point."

Q. You would go through the digests? A. Yes.

Q. And sometimes Mr. Wallis would assist you? A. Yes.

Q. Sometimes he would himself go through the digests? A. Yes.

Q. And sometimes he would find something? A. Yes.

Mr. HINKSON—You answered that you are now Librarian of the Supreme Court. You have some knowledge of the qualifications of a Librarian in a department of that kind? A. I suppose so. Yes.

Q. State what in your judgment are Mr. Wallis' qualifications as a Librarian?

Objected to.

Q. From your experience as a Librarian, and your intercourse with Mr. Wallis as Librarian of the State Library, and from your observation, what is your opinion of him as to his qualifications?

Mr. HOLL objected, that it is calling for the opinion of the witness. The Trustees must derive their own opinion.

Trustee JOHNSON—The opinion of Mr. O'Connor is not competent; but any fact that he knows in relation to it, is competent.

Mr. HINKSON excepted.

#### TESTIMONY OF H. C. FINKLER.

Called and sworn in behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—In San Francisco.

Q. What is your business? A. Bailiff of the Supreme Court.

Q. How long have you occupied that position? A. Since April, 1878.

#### *Competency and Deportment of Librarian.*

Q. Have you known Mr. Wallis during that period? A. Yes.

Q. What has been the extent of your acquaintance and relations with him during that time? A. Favorable; always agreeable and favorable.

Q. What has been the extent of your acquaintance with him, and your business relations, if any. Have you been in the library frequently or otherwise? A. When the Court was in session at Sacramento I had occasion to see him every day.

Q. Where? A. In the library.

Q. What called you there to the library? A. At the request of the Judges, or of different lawyers, on looking after books.

Q. You went there to get books for the Judges and attorneys? A. Yes.

Q. To whom did you make application for books usually? A. To Mr. Wallis.

Q. Did he furnish you with the books desired? A. Yes.



Q. State with what alacrity he found the books that you required?  
A. I do not know. He would find them.

Q. Did he find them readily? A. Yes; readily.

Q. What was the character of the books that you called on him for usually? A. Most of them were law books; sometimes for the Judges there would be some literary or miscellaneous books.

Q. Did Mr. Wallis ever make any selection of miscellaneous books for the Judges? A. Yes; whenever I asked for miscellaneous books for the Judges, it was always at his judgment that I got them.

Q. According to his judgment? Yes.

Q. Did you ever ask him to make a selection at the request of the Judges? A. Yes.

Q. How often did that occur? A. It always occurred whenever I went there.

Q. About how many times; a dozen or oftener, or less? A. There are two sessions a year at Sacramento, and it was every time I went there; sometimes I went there once for one Judge, and sometimes twice for one Judge.

Q. Did they ever express any dissatisfaction at the selections made?  
A. No; they were always satisfactory.

Q. State what Mr. Wallis' conduct was with reference to his dignity and deportment towards yourself and other visitors? A. So far as I could see, always the best that could be expected.

Q. Was he courteous and accommodating? A. Courteous, accommodating, and gentlemanly.

Q. Did you ever see anything to the contrary in his actions? A. No, I never did.

*Cross-examination.*

Mr. HOLL—How long have you occupied the position of Bailiff of the Supreme Court? A. Since April, 1878.

Q. During that time the Court has held but two sessions a year at Sacramento? A. Yes.

Q. Of about from two weeks to three weeks at a time? A. About that; yes. We were there three weeks once.

Q. The principal business as Bailiff of the Court that you have had with the State Library has been to go there and get such books as were called for, either by the Judges or by attorneys in Court? A. Yes.

Q. They would make out a list of the books they wanted, and you would take that list and go to Mr. Wallis and get the books. Is not that so? A. Sometimes there was an exception to that, and they would tell me to ask the Librarian for all the books on that subject, or the principal works on that subject.

Q. For instance, they would tell you to tell the Librarian to send all the books on the subject of promissory notes, or any other subject of the law? A. Yes.

Q. It would be in that way? A. Yes.

Q. They would name the subject and you would tell him to send all the books in the library on that subject? A. Yes.

Q. Which of the Judges resorted to Mr. Wallis as the person to



select their miscellaneous literature? A. Judge Ross and Judge McKinstry—that is all that I remember now.

Q. What kind of literature would he select for the Judges? What sort of books did he select for them? A. For Judge McKinstry he selected biographical works and late novels.

Q. What biographies did he furnish Judge McKinstry with? A. I never looked at them.

Q. You never read them? A. No; I saw the books open there in his room during his leisure hours, and I saw that he had been reading them.

Q. And Judge Ross—what did he have? A. Sometimes late novels.

Q. He runs to reading novels? A. I do not know.

Q. Now, you said that these books were always satisfactory; tell us how you know that—that the selections of Mr. Wallis always proved acceptable? A. I presumed so from the fact that they did not send them back and tell me to get something else.

Q. You presumed so because you never heard them say anything about it? A. No.

Q. You never heard them say anything about Wallis' selections being good or bad, or being well selected or illy selected, and you simply presumed so because they did not send them back? A. They never expressed any opinion to me.

#### TESTIMONY OF GEORGE C. PERKINS.

Called and sworn on behalf of the defense.

Mr. HINKSON—You reside in this city? Answer—My place of business is here; I reside in Oakland.

Q. You were formerly Governor of this State? A. Yes.

Q. During what period? A. From 1880 until January, 1883.

#### *Competency and Deportment of Librarian.*

Q. Did you know Mr. Wallis during your administration as the executive officer of this State? A. I think, during that time, he was Assistant Librarian and also State Librarian.

Q. Did you have business with him during that period in his official capacity? A. I frequently procured books from the library, and often visited the library.

Q. State what you know of his efficiency and qualifications for that position? A. Well, I know nothing of his special qualifications, only that he had been there for a great many years, and I assumed that he had a knowledge of authors and of books.

Q. Have you ever made any inquiries in regard to books, and have you called for books, so as to give you an opportunity for forming any idea as to his qualifications? A. Any information that I desired from the library, or any books, he was always very courteous to me and furnished them, and he had a knowledge of their places apparently.



Q. I will ask you whether or not you have not frequently taken visitors to the library during your term of office? A. Yes.

Q. What was the treatment of Mr. Wallis toward yourself and other visitors? What was his conduct with reference to dignity and courtesy to yourself and the visitors whom you took there? A. I frequently had occasion to visit the library and introduce visitors, and there were times when Mr. Wallis was present and times when either Mr. Gunn or some other assistant was present, and I always received every courtesy from Mr. Wallis or his assistants in the library.

Q. You can say the same in reference to visitors? A. Yes; those that accompanied me, certainly.

Q. Did you hear any complaint from any of the visitors? A. I do not remember of ever hearing any from the visitors. I do not remember of having heard any.

*Cross-examination.*

Mr. HOLL—Did you ever hear the subject-matter of his general capacity as a Librarian spoken of? A. Yes.

Q. I understood you to say that when you inquired for books such as you desired to take from the library, or to consult, that Mr. Wallis knew where they were to be found? A. Yes; I have no complaint personally to make of Mr. Wallis—he was always willing to procure them for me.

Q. What you referred to was that he knew their places in the library, and that he could go to a certain part of the library and there find the books that you called for? A. Yes.

Q. That is what you mean to say? A. Yes.

Q. You never had occasion to consult him about any general matters of literature? A. I think not, unless it was on one or two occasions that I asked him if he could give me authorities on matters of penology, and another time on agriculture, and he referred me to a number of books, and to books in the library treating on those subjects.

Q. That is about the extent of your knowledge in reference to the capacity of Mr. Wallis? A. Yes.

Mr. HINKSON—Do you remember of ever consulting him in reference to authorities as to the pardoning power of the Governor? A. I think it is very probable. Mr. Wallis frequently came into the office, and I think it is very probable, although it has now escaped my mind. It is very probable that I did.

Q. I will ask you if you remember of his furnishing you Hamilton's Federalist? A. Yes.

Q. Do you remember how he came to furnish it to you? A. I do not. It has escaped my mind for the moment. He has on several occasions furnished me books that I asked for.

Q. He furnished you books on matters that you desired to investigate? A. Yes.

Mr. HOLL—You are yourself acquainted with the contents of the Federalist? A. If I should answer in the affirmative it would be



assuming a great deal. I have read it, of course, and we all know more or less of it, but to say that I am familiar with all of its contents, or with every sentence or every paragraph, I would not say that.

Q. You know the subjects that are there treated on by the founders of our Government? A. Yes.

Q. You are familiar with the general subjects upon which it treats? A. Yes; I have it in my private library.

Mr. J. S. WALLIS—At the time that you consulted with the Librarian on those two subjects, did he speak of or refer to any authors upon those questions—agriculture and penology? A. I think there might have been other questions. Mr. Hart was in my office, and generally when I would want a book, I would ask Mr. Hart to get it, and then I would give a memorandum to Mr. Wallis or his assistant of the books that I required, and he would give them to me.

Q. He showed a knowledge of those books being in the library, and where they were? A. Yes; of course, I knew Mr. Wallis years ago, when he was the assistant in the library. He was always very kind and courteous to me.

Mr. HINKSON—I will ask you, Governor, if you remember of having discussed or expressed an opinion in reference to the pardoning power to Mr. Wallis, and whether he did not, in support of that opinion, produce to you the Federalist, which upon examination you found conformed to your views, and confirmed them on that question?

Mr. T. H. WALLIS—I came into the office one morning, and you said: “Mr. Wallis, we have a discussion here, and they are all against me.” You stated the proposition, and I said: “I think you are right, and I think that can be found in Hamilton’s Federalist;” and I went up and got it and read it to you. I forget exactly what it was.

A. It was a daily custom of mine, that if Judge Holl or Mr. Hinkson, or any one else, came into my office, and if there was any question under discussion, I always liked to have the opinion of others; and I might have asked Mr. Wallis fifty questions, but at this time they have escaped my mind. Whether the opinion he gave guided me in any conclusion that I came to, would be difficult to say, because I wanted to hear all that I could on any subject; and frequently I have asked the opinion of gentlemen on various subjects. I never pretended to know very much myself, and therefore what I gathered from others I felt that I had gained that much. I have no doubt that I have asked Mr. Wallis a great many different questions, and he was always very courteous in giving me what information he could.

Mr. HOLL—You have known Mr. Wallis in the library for a considerable length of time—for ten or twelve years? A. Yes.

Q. During that time have you learned anything about Mr. Wallis’ general knowledge of the library? A. Of course, it would be hardly fair for me—

Q. From your discussions or conversations with him in reference to literary works or matters of science or general information or learning? A. Of course, Mr. Hart, as you are aware, was a rival can-



didate for the position. He was in my office, and of course hearsay testimony would be hardly fair for me to give.

Q. I am not trying now to seek to get your opinion founded on the hearsay of other people. A. In my conversations with Mr. Wallis on all subjects I found him very intelligent and very bright. That is my own judgment. I cannot help but say, that on very many subjects he had much better information than I had, and I therefore asked him his opinion about those matters. Of course, if I am to answer on hearsay testimony of others whether he is competent——

Q. Can you recall to your mind that you discussed any subject where you can give us an example of any information that he possessed? A. I cannot at this time.

Q. Have you talked with him on any scientific subjects? A. I have talked with him on some historical matters, and he has given me his opinion upon them, but I at the time was not sufficient historian to know whether he was correct, and to verify it.

#### TESTIMONY OF TIMOTHY MCCARTHY.

Called and sworn for the defendant.

Mr. HINKSON—You reside in this city? Answer—Yes.

Q. You are at present a State Senator from San Francisco? A. Yes.

Q. How many terms have you served in the Senate? A. I have been there three sessions—1875-6, 1877-8, and the last session.

#### *Competency and Deportment of Librarian.*

Q. Have you known Mr. Wallis during that period? A. Yes.

Q. What has been the extent of your acquaintance with him? A. Well, I introduced a great many bills in the Legislature, and I had to seek information in drafting those bills, and I had to get authorities, and I applied to Mr. Wallis, and he has supplied me with the authorities and the information. That is about all.

Q. How did you find him in reference to his competency to furnish you the information? A. He was always very prompt. I would sometimes send from my seat and get him to furnish me with information, and he would bring it to me.

Q. You named the subjects and he furnished you the authorities? A. Yes.

Q. And he furnished them readily? A. Yes; he always responded promptly, and I found him always willing and ready to come in and attend to us when we could not go to the library. I speak for myself now.

Q. You visited the library very frequently? A. Yes; and I have taken ladies there.

Q. What was Mr. Wallis' conduct with reference to dignity and deportment towards yourself and other visitors there? A. Always



dignified—as much so as anybody that I ever met with in any position of that kind—and courteous.

No cross-examination.

### TESTIMONY OF W. H. SEARS.

Called and sworn on behalf of defense.

Mr. HINKSON—Where do you reside? Answer—At San Rafael, in this State.

Q. You are an attorney at law by profession? A. Yes.

Q. Your place of business is in this city? A. At 306 Pine Street.

Q. You were one of the State Senators from your county during what sessions of the Legislature? A. 1880 and 1881.

### *Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. Yes, I do.

Q. How long have you known him? A. I have known him five or six years, and perhaps longer.

Q. State whether or not you visited the library frequently during the session of the Legislature when you were a member? A. Yes; while I was a member of the Senate I was there very often.

Q. Were you present during the session of the last Legislature, and during the Constitutional Convention also? A. I was present during a portion of the last session as the attorney for the officers of the State Prison.

Q. Did you visit the library frequently during that time? A. Yes; quite often.

Q. Have your visits there been frequent at other times during the past ten years? A. Well, I have occasionally been at Sacramento, and I have had occasion to visit the library.

Q. Have you had opportunities to form an opinion as to the qualifications of Mr. Wallis for that position? A. I think so.

Q. State what those opportunities have been? A. Well, I always found Mr. Wallis a very courteous, efficient, and competent person as Librarian.

Q. Have you ever visited the library in company with friends and other visitors? A. Yes, frequently.

Q. What was Mr. Wallis' conduct with reference to dignity and courtesy to yourself and other visitors on those occasions? A. It was always very good. Mr. Wallis was Deputy Librarian, I think, the first session of 1880.

Q. I will ask you if you ever sought any information from Mr. Wallis in reference to any matters on which you desired authorities? A. Yes, frequently.

Q. What was the result of your request? A. In fact, most always when I wanted any authorities from the library I would ask Mr. Wallis for them. I found him very efficient, and he would immediately lay his hands upon them and supply me with anything out of



the Law Library that I needed. The miscellaneous library I did not use much.

Q. I will ask you whether or not you ever sought matters upon which you wanted authorities without naming them, where he has furnished them to you? A. Yes, frequently. I would say to him that I wanted authorities on a certain subject, and he would always supply them in a very short time.

Mr. J. S. WALLIS—Have you, during the period that you speak of, visited the library out of its usual office hours for the purpose of obtaining information from the library? A. Yes; I have been there as late as midnight, and Mr. Wallis has often let me take his key to go into the library and remain there as long as I wished.

Q. And out of those office hours has he rendered you any assistance himself? A. Very often.

Q. And he never complained? A. He never complained, and he never refused me a favor in regard to the library.

*Cross-examination.*

Mr. HOLL—Your business in the library has been principally in the law department? A. Yes.

Q. Now, in that department, what assistance did you have occasion to have from Mr. Wallis? What assistance did you ask him for, or in what manner did he serve you? A. For instance, I would want some authorities upon some Act that was before the Legislature, or some law on some subject, and I would go to Mr. Wallis, and he would invariably furnish them in a very short time.

Q. Can you give us some general idea as to that, by giving us an example referring to any particular occasion?

Mr. HINKSON—I will make a suggestion. Do you remember of asking him to find authorities on the question of taxation during the Constitutional Convention? A. I had nothing to do with the Constitutional Convention.

Q. During the session of the Legislature, I mean, on the question of the constitutionality of a question of taxation? A. Yes; I remember that question was up quite often, and I very often went to Mr. Wallis and asked him for authorities upon that question, and he furnished me with different authorities, and I remember that on several occasions he furnished me with the briefs of attorneys that had been filed in tax cases, and they afforded me a great deal of information.

Mr. HOLL—He would furnish you with Blackwell on Tax Titles? A. Yes; and Cooley on Constitutional Law.

Q. And Cooley on Taxation? A. Yes.

Q. With those matters he seemed to have some familiarity, sufficient to serve you in the capacity that you required? A. He seemed to be very familiar, indeed, with all the books in the Law Library, so far as I had occasion to use any of them.

Q. That is, a readiness to find the books and to furnish them to you? A. Yes; and also a knowledge of the authorities that were in the various books.



Q. When you would require authorities on any given subject, you would ask him to look up the authorities and to furnish them to you?  
A. Very often I would.

Q. And in that way he would find the works of elementary writers who treated on that subject, or decisions that had been rendered on that subject? A. Yes.

Q. And he would furnish them to you? A. Yes.

Q. Now, any lawyer's clerk could do that very readily, could he not? A. I think you will find very few lawyers' clerks that have a general knowledge of the majority of the law books that are in the library.

Q. That is because they are not in the library? A. It is a very large library, and lawyers generally are too impecunious to have such a large library.

Mr. J. S. WALLIS—In your intercourse with him did not you find that he had a general knowledge of the law as well as of the authorities and of the books? A. He seemed to have the faculty of having a knowledge of the application of authorities to principles of law.

Q. Therefore it was not that mere mechanical knowledge that a certain book was in a certain place, and written by a certain author, and on a certain subject? A. No; it was not that alone. He seemed to have a knowledge to apply the authority to the principle.

#### TESTIMONY OF DAVID MCCLURE.

Called and sworn on behalf of defense.

Mr. HINKSON—Where do you reside? Answer—At the Occidental Hotel, in San Francisco.

Q. What is your profession? A. Lawyer.

Q. You are one of the State Senators at present, from San Francisco? A. Yes; I am a Senator from the Tenth District.

Q. You have been a member of the Legislature for the last few years? A. Yes; I have been a member of the Legislature since 1880, I think.

#### *Competency and Deportment of Librarian.*

Q. During that period have you known Mr. Wallis, the State Librarian? A. Yes.

Q. Have you had occasion to visit the library in an official capacity? A. Yes, I have frequently.

Q. Will you state what you know with reference to his qualifications for that position? A. Well, as to his qualifications I do not know—

Q. State from your observation and experience? A. I do not know that I can state the necessary qualifications for a Librarian.

Q. I have reference to these facts: Whether or not you have had occasion to call on him for books or authorities upon any question of law, or anything of that kind, and if he furnished it to you and responded to your request, and with what alacrity? A. As I said



before, I have had occasion to visit the library very frequently, not only during the time that I was a member of the Legislature since 1880, but at every session of the Legislature for some four or five years previous, as an attorney. I was a frequent visitor to the library before I was a member of the Legislature, and since, and I always found Mr. Wallis and his assistants certainly very attentive and very efficient. I have had occasion to go in there and leave a list of authorities that I desired to be looked up, and often when I was busy, and very much engaged, I would leave a syllabus, as I might say, or the head notes of some proposition that I desired to investigate, and his assistants have kindly looked the authorities up for me on those questions.

Q. Have you ever submitted questions to him upon which he has furnished you authorities? A. That is what I have endeavored to say now. I frequently was so busy during the last Senate especially, watching the Democratic majority, that I did not have time to look up the digests myself, and I would leave the questions and ask the clerks to look them up for me, and they would furnish me the authorities.

Q. With what facility would Mr. Wallis furnish you authorities on those occasions? A. He seemed to furnish them with great facility, and I always found the authorities very efficient.

Q. What has been Mr. Wallis' conduct, with reference to deportment and dignity and courtesy, towards yourself and other visitors? A. It seemed to me that his deportment was all that could be asked from any one in a library; it was certainly so to me. I never met with anything but every courtesy that could be extended to a Senator, and to a representative when I was in the Assembly. In every way he seemed to be painstaking.

Q. Did he ever make any selection of any literary works in the library for you? A. It seems to me that he did; it seems to me that on two or three occasions I asked for some references, but of course I cannot say positively now, but I think so. I think on two occasions I asked him to look up some literary matters, but I do not know now, of course, as I have been running along and have had a great many things on my mind.

Q. Did he furnish those books with equal facility as the others? A. They were furnished; I assume that they were furnished with facility, because they were furnished at the time I asked for them.

*Cross-examination.*

Mr. HOLL—You were Chairman of the Judiciary Committee of the last session? A. I was not the last session; Senator Cross was Chairman of the Judiciary Committee last session. I have been Chairman of the Judiciary Committee of the House, and I was a member of the Judiciary Committee last session.

Q. Last year your time was pretty much occupied on the floor of the Senate? A. Yes; I believe I was always in my seat.

Q. In what particular was the efficiency of Mr. Wallis shown to you? A. Well, in this way: I found that every facility was furnished



me in the library for obtaining the authorities that I desired, and I found in addition to that that he, through his assistants and under his own directions, afforded me an opportunity to have the authorities selected when I was otherwise engaged. That is to say, I recollect of more than one occasion that I said to him: "I would like to have you look up authorities for me;" and I wanted them the next morning, and in half an hour or three quarters of an hour before the Senate convened, I would go into the library, and I would find my authorities.

Q. Do you know who looked them up? A. No; I do not, but I know that Mr. Wallis always undertook to have them looked up.

Q. You do not know whether he himself did it, or whether he employed some one that was more familiar with the subject than he was? A. Certainly I could not say that, because I was not personally present.

Q. You would, for instance, want information on a given subject, and you would want to know what the text writers had said or the Courts had decided on a given point, and you would give him the point? A. I would give him the line which I desired to have looked up.

Q. He was able to furnish you what the text writers had written or what the Courts had decided on that subject? A. Yes.

Q. Whether he looked it up himself, or got his assistants to look it up, you do not know? A. I only know this: I recollect particularly on three different occasions when I was in considerable of a straight, and I said to him I would like to have something on propositions looking in these directions, and he said: "All right, McClure," or "Senator"—whatever he addressed me—"I will look it up." When I came there in the morning, I found those authorities. That is all that I can say.

Q. Can you recur to any matters outside of the law that you applied to him for? A. The only particular matter that I applied to him for was with reference to the State Prison fight. The charge was made by Senator Reddy, on the floor, that it never had been known in a legislative body where such testimony had been printed. The position I took was that the testimony that had been taken before the committee was at the Clerk's desk, and that we had no opportunity to read it, and I claimed that it should be printed. Senator Reddy took issue with me, and he alluded to the Credit Mobilier, and I asked Mr. Wallis whether he could not produce the record of that case, and he did it in fifteen minutes.

Q. He looked over the Congressional Globes? A. I do not know where he looked, but he brought it to me. He brought me the printed testimony that Senator Reddy said had never been printed.

Q. What else? A. Well, in the same connection he brought me a great number of references that I did not have occasion to use on the floor of the Senate, but if necessary I could have used them.

Q. Now, you are a man who pursues literature to some extent. Did you ever have occasion to discuss general subjects of literature with Mr. Wallis? A. No; I never did.



Q. Do you know anything about his information in reference to general literature? A. No, I do not.

Q. Did you ever talk with him about the British poets? A. No.

Q. Or the historians? A. No.

Q. Upon matters of general literature, then, you do not know what his knowledge is? A. No.

Q. Whether he knows anything, or knows nothing? A. No; of my personal knowledge I cannot say.

Mr. HINKSON—Did Mr. Wallis ever render you any assistance in furnishing you authorities when you were in the library at work on any proposition or question of law? A. Yes; he did quite frequently. I had occasion a number of times to be in the library and to prepare authorities, and he would assist me in finding the authorities personally. He did that on several occasions.

Mr. J. S. WALLIS—When you made those applications to him did he generally show a ready knowledge of the subject-matter and the authors, as well as of the books and whether they were in the library or not? A. "Well, of course," he would say, "that is all right, Senator; I will find them for you." And I recollect on two occasions that I was in doubt whether I could find some references in the library, and he said they were in the library, and I was surprised that they were, and they were found for me.

Q. What I meant to convey to your mind was, did he show a knowledge that it existed in the library and was within his reach, or did he exhibit any doubt about it? A. He showed me this: that he had a knowledge of what the library could produce. That is what he showed to me.

Q. You generally received what you asked for? A. He understood what the library contained. If I would ask him whether or not I could find an authority or reference on any particular matter in the library, he would say that it was in the library, and he would have it looked up for me. Of course, I could not say who looked it up. He seemed to understand what the library contained, and I did not, of course.

Mr. HOLL—You had not been there for twelve years? A. No; I knew what I wanted and I was trying to find it.

Q. Those matters pertained to the law department? A. Principally to the law department. I do not know but what I had occasion twice to look up some constitutional matters with reference to debates that had taken place in constitutional conventions of other States, but I believe I never had occasion to use those references, but they were looked up for me in the library.

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#### TESTIMONY OF C. W. CROSS.

Called and sworn for the defense.

Mr. HINKSON—Where do you reside? Answer—In Nevada City, California.



Q. You are at present a State Senator from Nevada County? A. Yes; I am.

Q. Were you a member of the Constitutional Convention also? A. Yes; I was of the Convention of 1879.

*Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. Yes.

Q. How long have you known him? A. I have known him ever since he has been State Librarian.

Q. Have you had any opportunity of knowing his qualifications for that position? A. I had opportunity enough so that I have formed an opinion about the matter.

Q. Will you state what your intercourse has been with him in his official capacity?

Mr. HOLL—Do not give us any opinion.

A. I would like to answer such questions as are not objectionable to either side, if I can, although I know that I have no option except to answer such questions as are put to me.

Mr. HINKSON—We want your knowledge as to his qualifications? A. I can state that ever since Mr. Wallis has been Librarian, and even before, I have been in the habit of visiting the State Library from time to time, especially for the purpose of looking up difficult law questions, and I have sometimes spent several days in succession in the law department of the State Library. At such times I have been in the habit of meeting Mr. Wallis, as State Librarian, and I have had occasion to make inquiry of him in connection with that department of the State Library in particular. During the sessions of the Supreme Court at Sacramento I am usually in attendance a considerable portion of each term, and I have spent some time in the State Library. During the session of the Constitutional Convention, and also during the last session of the Legislature, I spent a good deal of time nights in the State Library. In the other department I have had occasion to go there to read sometimes for half a day or a day at a time, and have used books and have referred to books even in other languages besides the English language, and I needed some assistance to find them. I have gone to the library twice to examine different editions of popular authors, with a view of purchasing, so as to know what editions to buy. The last time, I believe, was after this investigation commenced. I went to examine different editions of Thackeray's works, for the purpose of purchasing a set. I think that would cover my experience with Mr. Wallis as Librarian. I had occasion once to examine a medical question which was quite intricate. I could not get the information that I wanted from any physician in my vicinity, and I spent two days at the State Library and Mr. Wallis assisted me, and so did Miss Patton, in finding the works that I needed.

Q. What assistance did Mr. Wallis render you on that occasion? A. I knew almost nothing about medical works, and I stated to Mr. Wallis generally the nature of the question that I desired to investigate. It was in connection with a criminal case that I was about



to try. Mr. Wallis went with me to the upper alcove and opened a case for me, and showed me two sets of books which he said would cover the subject, and from one of the sets he selected a volume which I perused, and found the subject very fully treated.

Q. In the law department did you have any opportunity of ascertaining his knowledge of the subjects treated upon in the different books? A. Mr. Wallis' assistance in the law department has been this to me: to find me the books that I wanted. In so large a library a man could go there and hunt a great while and not find the books that he wanted. He might have references to ten or twenty or more volumes, and he could not find those volumes unless the Librarian or the assistant assisted him. I remember, on one occasion in particular, when I had abbreviations of some old English books, and I did not know what the abbreviations stood for, and I showed them to Mr. Wallis, and he told me what they were and brought me the books and laid them on one of the tables.

Q. Did he seem to have a knowledge of the abbreviations? A. He seemed to have a good knowledge of the names of law books, and especially of the old English reporters, the class of books that I had then occasion to consult.

Q. Have you ever, in the library, discussed any particular subjects with Mr. Wallis on which he has furnished you the authorities? A. We have discussed legal questions, but I never asked Mr. Wallis, that I remember of, to furnish me any authorities.

Q. Did he ever do so voluntarily? A. I cannot remember. He often said to me, "If there is anything that you want, and do not know where to find it, let me know."

Q. What has been his general conduct there with reference to dignity and deportment and courtesy towards yourself and other visitors? A. To me he has been attentive and courteous, and what I would call—I do not know what else to call it—well-bred. A number of times during the session of the Legislature—three times when I had some intricate questions to look up, and I could not go there within the hours that the library was kept open, on one of those occasions Mr. Wallis remained with me in the library, and kept the library open until something after twelve o'clock at night; and on another occasion he met with me and opened the library, and took me into the library on Sunday, as I had some work that was pressing me. On the third occasion he directed one of his deputies, Mr. Gunn I think, to remain with me in the library as long as I chose to stay, and Mr. Gunn remained with me.

Q. Do you remember to have discussed with Mr. Wallis, at different times, questions of law? A. At different times when I have been in the Law Library, some legal questions arose which would be discussed among those present in the library, and Mr. Wallis would, when it seemed proper, participate in those discussions. I never saw him when he appeared to lead such discussions.

Q. Did he, from those discussions, seem to have a proper knowledge of the application of the principles to the subjects? A. Yes; once I remember that he got some books, and set Judge Belcher and myself right on a question that we were examining into.



*Cross-examination.*

Mr. HOLL—Senator Cross, I did not exactly understand in what way Mr. Wallis served you in selecting a proper edition of Thackeray's novels? A. The particular thing that I wanted to find out, the main thing, was to get the edition of Thackeray which had the illustrations which Thackeray himself designed. I had seen different editions of Thackeray which were very similar, except in the matter of the illustrations.

Q. What service did he render you in and about that matter? A. He took me into the department, to one of the alcoves nearly straight ahead as you enter the main entrance of the library, and in the lower part of that alcove were different editions of Thackeray, and I told him what I wanted, and he showed me the different editions, and he said, "This is the edition which has Thackeray's illustrations, and only Thackeray's illustrations." That is the substance of what he said, and then he showed me, I think, other editions, one of which, my recollection is, was not illustrated at all, and the other was much more profusely illustrated than the edition in which the illustrations were drawn by Thackeray himself.

Q. In other words, he showed you the different editions of Thackeray? A. He did.

Q. That is about the extent of the business in that connection? A. Yes, that is what I wanted. I did not ask him for anything more.

Q. I do not want to be inquisitive, but I would like to know the medical subject that you examined in the library? A. I had a case which involved the question whether a man had contracted a secret disease from his wife or from somebody else. The question related to a family of some prominence, and there were large property interests depending on it, and I was very desirous to obtain exact knowledge on the subject.

Q. He seemed to understand the subject? A. I went to the library and told Miss Patton that I wished to see some medical works. She told me where they were, and gave me the key, and I went up to the room; but I was not at all acquainted with medical authors, and I went back down stairs, and not desiring to broach such a subject to a lady, I went to Mr. Wallis, who went with me to the alcove where the medical works were, and there were two sets of books, which were arranged something like a lexicon or encyclopedia. One of the sets was quite fully illustrated. He selected a volume which treated on that class of subjects, and in that volume I found what I wanted. I suppose I might have groped around the library for a week, myself, and not found that volume.

Q. In the law library you say you have not had occasion to call upon him very frequently, except in the matter of abbreviations? A. I did not know that a man had the right to ask the Librarian for any assistance in the preparation of a case, or to look up points, and consequently the only assistance I have asked of Mr. Wallis was either to get me the books, or to show me where I could find such and such books, or to tell me what the abbreviation meant.



Q. You do not understand that a Librarian is put there to assist attorneys in making up their briefs? A. No; I do not. I should consider that a mere matter of favor.

Q. As to this matter of abbreviations, there are works which will explain the abbreviations in the library itself—books that will give you the full meaning of them? A. Yes; even catalogues of law books by large publishing houses will do so.

Q. It is an easy matter, when you get the right book, to ascertain? A. Yes; the first time I was stalled I had the abbreviation, "First Mod." I suppose a better lawyer than I am would know just what that stood for. I asked Mr. Wallis, and he brought me the volume in reply to my question.

Q. I understood you to say that you are a Senator. Are you one of the hold-overs? A. I was elected from an even numbered district—Number Twenty-four.

Q. Do the Senators from those districts hold over? A. In my opinion they do. In my opinion they all do.

#### TESTIMONY OF J. H. CRADDOCK.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—My residence at present is at Marysville, Yuba County. I formerly resided at Yuba City, in Sutter County.

Q. You are an attorney at law by profession? A. Yes.

#### *Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. Yes; I do.

Q. How long have you known him? A. Well, for a number of years—indefinitely. I should say perhaps four or five years.

Q. Have you visited the library frequently during that time? A. Well, occasionally. I could not say that I have been a frequent visitor there. I have been there more or less during Mr. Wallis' incumbency.

Q. Have you had any business with Mr. Wallis in an official capacity? A. Yes; I have gone there to examine questions of law, and have called upon him to furnish me with books on the questions that I had under examination.

Q. During your visits to the library what was Mr. Wallis' conduct with reference to dignity and deportment and courtesy to yourself and other visitors? A. Well, I have always found Mr. Wallis very courteous and very prompt to furnish me with any authorities that I desired to examine.

No cross-examination.



## TESTIMONY OF W. A. BECK.

Called and sworn on behalf of defense.

Mr. HINKSON—Where do you reside? Answer—In San Francisco, at present.

Q. You were formerly Deputy Secretary of State under Hon. Thos. Beck? A. I was.

Q. For four years? A. Yes.

*Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. I do.

Q. How long have you known him? A. Well, I became acquainted with him shortly after going into office at Sacramento.

Q. Have you had frequent business transactions with him, and had you, during your term of office? A. Yes; quite a number.

Q. What was the nature of your business transactions with him? A. Well, they were more particularly in regard to the Codes, or something of that sort.

Mr. HOLL—Was that at the time that Mr. Wallis was Librarian or Deputy Librarian? A. He was a deputy when I first knew him.

Mr. HOLL—There is no question as to Mr. Wallis' conduct as Deputy Librarian, or as to his competency.

Mr. HINKSON—I offer to show by the witness that from his knowledge and experience of Mr. Wallis as a Deputy Librarian he is prepared to state facts that would establish the fact to the Trustees of the State Library that Mr. Wallis is eminently qualified for the position of Librarian.

Trustee JOHNSON—The question is proper. Anything that may tend to show Mr. Wallis' ability and his competency is proper testimony.

Mr. HOLL—We except.

Mr. HINKSON—Now, I will ask you this question: Whilst you were Deputy Secretary of State was not it a very frequent occurrence that you would receive letters of inquiry from different departments in the different States seeking information that it was necessary for you to obtain in the State Library? A. Yes; quite a number of such inquiries.

Q. That was a frequent occurrence, was it not? A. Yes; it was.

Q. And when such information was sought from you, whom did you apply to for the desired information? A. Mr. Wallis.

Q. With what success? A. With the very best of success. I always found him perfectly willing to give all the information he possibly could on most any subject.

Q. I am speaking more particularly of his capacity or qualifications to furnish information? A. I always received the answer that I wished.

Q. You have known him since he has been Librarian and have visited the library? A. When did he become Librarian?

Q. The sixth day of April, 1882? A. I have been in the library once or twice since then.



Q. Have you met Mr. Wallis there? A. Yes.

Q. What has always been Mr. Wallis' conduct with reference to dignity and courtesy to yourself and others? A. The very best.

*Cross-examination.*

Mr. HOLL—Mr. Cravens was Librarian during the time that you were in the office of the Secretary of State? A. Yes.

Q. Did you not go to the principal when you had business with that office? A. Well, more generally it was with Mr. Wallis, because I felt better acquainted with him.

Q. You felt better acquainted with Mr. Wallis? A. Yes.

Q. Were not you acquainted with Mr. Cravens? A. I was, but as a general thing the principals refer such matters to their deputies.

Q. Did Mr. Cravens ever refer you for information to Mr. Wallis? A. I do not remember now whether he did or not.

Q. What was the business that you had with Mr. Wallis when he was Deputy Librarian? A. Well, there was quite a number of questions in regard to——

Q. What was the nature or character of the matters that took you to the library? A. It would be rather difficult to answer exactly now, because questions came there in regard to almost everything imaginable, and the library having the books there, of course we would go there for what information we might wish.

Q. Now, what part of that business did Mr. Wallis perform when you would go there—what would he do? A. Well, he would take the letter, or I would read it to him or tell him what I wished, and he would endeavor to assist me. Quite a number of times I would want to find passages in the Codes, and they had them in the library there, and as a general thing he would go into the room with me and give me any assistance that he could.

Q. When you took letters there what would he do—what assistance would you receive from him? A. Well, he generally would refer me to the portion of the library where I would find what I required, and I think there were one or two occasions that he has assisted me somewhat in finding the passages.

Mr. HINKSON—I will ask you if you ever made application to him for information to be derived from the miscellaneous department of the library, as well as in the law library? A. Well, that was more particularly in regard to some books that I wanted to read. Of course he nearly always got them for me immediately on my application—anything that I wished to get.

Mr. HOLL—You would not call on him to select books for you—you would go there and call for such books as you wished to read? A. Yes, as a general thing, of course; but once or twice I would ask him if there was anything new in the library, or something of that kind.

Q. Something late in the library? A. Yes.



## TESTIMONY OF JOHN G. HOWELL.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—In Oakland.

Q. What is your business? A. I am not in business at present.

Q. You have been connected with several sessions of the Legislature of this State, have you not? A. Yes; the last four.

Q. In what capacity? A. Clerk in the Assembly.

*Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. I know him very well; yes.

Q. Have you had business with him in his official capacity? A. Yes; nearly every day for three or four sessions—that is, three full sessions and the fore part of the last one.

Q. Please state what the nature of your business with him was? A. Well, I had occasion often to get books, and often to go there for references, and often to go there for favors of various kinds, and often to take strangers in there.

Q. Did you ever ask him for authorities on different subjects without giving him the authorities yourself; and has he ever furnished them to you, on any questions of law, or anything of that kind? A. I do not know that I understand you exactly.

Q. Did you ever state any subject to him or any question of law that you wanted authorities on, when he has furnished you them? A. No; I have never investigated any law matters.

Q. Did you have frequent occasions to call for books in the different departments of the library? A. Yes; for myself and others, and for old files of the papers, occasionally, and especially for the proceedings of previous Legislatures.

Q. How did he furnish you the information that you sought for? A. Well, I regarded him as a remarkably courteous, kind, and obliging man.

Q. With reference to his efficiency? A. As far as I could see, he seemed perfectly at home, and entirely satisfactory to everybody, and very competent.

Q. And very familiar? A. He seemed very familiar. I wish to emphasize that he was exceedingly obliging to me and to everybody that I ever saw him have anything to do with there.

*Cross-examination.*

Mr. HOLL—What was the particular matter that called you to the library? A. Well, I would frequently want to get books for my own reading, or I would take friends and strangers frequently there to show them the library; and I remember the first time that I ever met Mr. Wallis to know him, I took a lady, or two ladies, in fact, through there, and was showing them the library, and just as I was about to leave, he said: "Don't you want to go up and see the cabi-



net?" I said that I did not know anything about the cabinet. He said: "Certainly, there is a nice cabinet up stairs, and I will let you have the key." I felt very much gratified at that, for it was quite a treat to the ladies, and it was entirely voluntary on his part. It made me feel very kindly to him, and made me feel that he was a very obliging man.

Q. In regard to his efficiency as a Librarian, and understanding the general matters of the library, what evidence have you of that?

A. Well, I am very poor to remember details. I know I never went in there to ask him a question when he seemed at a loss or nonplussed. He has gone straight for any book that gave the information. He seemed to have them at his tongue's end, and would go direct for the books.

Q. In the law library, or the miscellaneous library? A. I cannot remember that I ever had occasion to go in the law library, except to look in there to see the construction of the room.

Q. Would you go in the miscellaneous library and name to him the books that you would want? A. Certainly.

Q. Then he would be able to go to the alcove and find the books?

A. He always did so immediately, and he always accompanied it with a good deal of information about books of that class, and suggested now and then that such and such book would be better, and he seemed to have a general familiarity with the books.

Q. Give us an example of that? A. I cannot remember details at all.

Q. In which he seemed to show any familiarity? A. I cannot remember any details. It was years ago.

Q. How many years ago? A. I was there last Winter for some weeks at the opening of the session, and the three previous sessions I was in the Assembly, and I have been up at conventions and at fairs.

Q. You were there while he was Librarian only a couple of weeks last Winter? A. I forget when he took his place as Librarian, but he was assistant for years before.

Q. Did you ever enter into any discussion of literary matters, or scientific subjects, or matters of general information with him? A. I cannot remember the particulars of it; we may have very often; it is impossible for me to enter into details.

Q. Did you talk with him of books in your discussions with him, and about literary subjects and authors, and the different subjects on which they treated, and the best authors on any given subject? A. I have undoubtedly had conversations of that kind.

Q. Can you remember them now? A. No, I cannot remember them definitely, but I could not have had dealings with him about books without talking to him about authors and their writings.

Q. Can you remember that you ever did? A. No, I cannot say that I have. You could ask me questions about my family, and I could only remember very vaguely; I cannot remember details.

Q. Do you mean to be understood that it is because you remember things vaguely? A. I remember as to details vaguely. In my intercourse with a man, he gives always a pleasing or displeasing memory



of him, and I have a general idea of his qualities of mind or of his efficiency, but it is nearly impossible for me to reproduce the details in any case.

Q. In this case Mr. Wallis made a very pleasing impression on you?

A. Yes; he was always very obliging and kind.

Q. You have no knowledge as to Mr. Wallis' literary acquirements?

A. I cannot say that I have ever had any long and intimate conversations with him to give me a real idea as to his literary requirements. I could not make that clear to you.

Mr. J. S. WALLIS—In your interviews with him, did he show an equal familiarity with the subject-matter, as well as with the titles of books? A. Yes, I think he did. He seemed to be familiar and at home, and frequently suggested to me and to other friends, whom I took there to look at books in the library, and he always seemed to throw light on any subject desired, by suggesting authors and referring to their merits.

Q. It was not a mere mechanical knowledge of where a book was and what it was? A. No; he seemed like a very intelligent man with books; that I know to a certainty, because it is very distinct in my memory, but the details I cannot recollect, nor can I recollect hardly a book that I called for.

Mr. HOLL—Can you give us a single instance of where his superior knowledge was of any advantage to yourself or your friends? A. They seemed to be grateful for the information he gave them, and at their suggestion he would pull down book after book, and would speak of the different authors.

Q. Name the different persons? A. That is impossible; I cannot remember details.

Q. Name some of the books? A. I remember one thing and that vaguely. I remember that he pulled down at least thirty or forty volumes of poetry at one time. Of course I could run over a dozen or twenty poetical authors that he must have pulled down, but I cannot remember any of them.

Q. What was the occasion of that? A. I took some friends in, and we were talking about some poetical works, and we went in particularly to get a book of choice extracts—a book of short epigrammatic extracts—and that started it. He talked with us on the subject of poetry, and handed down book after book, and reached for them as though he was familiar with them.

Q. When he spoke of authors did he discuss the merits of the different English poets? Did he give his opinion? A. I cannot remember. I do not think it is reasonable that I should remember years afterwards just what words were said or the authors named in the discussion. He treated it as a Librarian naturally would that knew the books and something of authors.

Q. Of course he could read the names of the books and find any author you wanted? A. He would speak of an author and reach up and get it.

Q. Would he discuss the subject upon which the author treated? A. He showed a familiarity with the contents of them before he took them down.



Q. In what way? A. By saying that such a one had a fine poem in it, or, "Did you ever read this?" or, "Did you ever read that?"

Q. Give us an instance where he said that? A. I cannot do it. I know that I am very odd that way. There is not one meal in a year that I eat at home that six hours afterwards, if you should ask me what I had had for that meal, that I could tell you.

Q. Your memory is very poor? A. In that way. If I am acquainted intimately with every gentleman in this room, and if I should meet some one an hour from now on the street and he should ask me who were here, I probably would not remember half of those who are here.

Q. You cannot name a single author that he discussed, nor the subject? A. No, I cannot. And if you knew me you would not think that it was odd either, because it is a characteristic of me and a weakness.

#### TESTIMONY OF MARSDEN MANSON.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—In this city.

Q. Have you held any official position in the last twelve years in this State, and if so state what it was? A. I was assistant in the Engineer's department under Mr. Hall, the State Engineer, from the Summer of 1878 to the Spring of 1881.

#### *Competency and Deportment of the Librarian.*

Q. Do you know Mr. Wallis, the State Librarian? A. Yes, very well.

Q. Did you know him during that period? A. Quite well.

Q. Without asking you any other question, go on and state what you know of Mr. Wallis' qualifications for that position. State the facts? A. I was an assistant in the Engineering department of the State under Mr. Hall, and knew Mr. Wallis first as Assistant State Librarian, and afterwards whilst he was in the position of Librarian. I was in the library frequently, to inquire sometimes for works on engineering, and sometimes for works on general subjects that I would happen to be reading for amusement or for general interest, but I was there more frequently to inquire for engineering works; and so far as I was able to discover he was thoroughly competent. He knew the general run of the library, and knew the position of the books, and where it was impossible for me to be directed as to where the book was, Mr. Wallis would assist me and show me where such and such works were. He was acquainted with the locality of most of the books in the library—that is the general locality—and he was very competent and able in the discharge of his duties.

Q. The works he produced for you, were they all in the English language, or were there foreign books? A. No; there were some of them English and some French.

Q. Did he ever furnish you any authorities upon subjects that you



would suggest to him without your naming the books themselves? A. I cannot recollect any special occasion on which he did, though he may have done so. I was inquiring for so many books now and then that it would be almost impossible for me to remember the circumstances of the inquiry on every occasion.

Q. You had occasion to go there to make inquiries for books frequently while Mr. Cravens was Librarian? A. Yes.

Q. And while Mr. Wallis was Deputy? A. Yes.

Q. To whom did you make application for your information? A. Sometimes to one and sometimes to the other. If Mr. Cravens was out I would inquire of Mr. Wallis.

Q. During the time you have known Mr. Wallis in the library, what has been his conduct with reference to dignity and courtesy to yourself and other visitors in the library? A. Perfectly courteous, sir.

*Cross-examination.*

Mr. HOLL—Did you know the works that you wanted to consult? You knew the authors and knew what books you wanted? A. I can give some few of them now.

Q. State whether you did know when you went to the library what you wanted? A. As a general thing.

Q. Mr. Wallis was able to tell you where the books you wanted could be found in the library? A. Yes.

Q. That is about the extent which he served you? A. Yes; or to go up and get them.

Q. Bring them to you? A. Yes.

Q. After you had called for certain works? A. Yes.

Q. He would go and get them? A. Yes.

Mr. HINKSON—I will ask you, Mr. Manson, if he has not rendered you assistance on engineering subjects where you were looking up authorities? Has not he rendered you assistance in looking up those subjects himself? A. I cannot recall any very definite occasion on which he did, though he may have done so. Probably if he could mention some subject that I happened to be looking up, or some point, I might recall it, but I do not recollect it just now.

Q. I will ask you this question: If you remember of any occasion where you have gone into the library and suggested to Mr. Wallis that you wanted to get authorities on a certain subject, and he has not gone with you and assisted you in looking up authorities on those subjects? A. Yes; in looking up the books, but not in looking up the items in the works.

Q. When you suggested to him simply that you had a subject upon which you wanted to find authorities, has not he gone in the library with you and assisted you in looking up the works—in looking up the authorities on that particular subject? A. He may have done so, but I do not recollect it just now.

Mr. HOLL—Has it not amounted to this: you had a good deal to do with the water question while he was in there. For instance, you would want to look up the subject of hydrostatics, and you would go in the library and ask him for works treating on that subject? A. Yes.



Q. That would be the way that you would approach that matter?  
A. Yes; I have frequently gone there——

Q. If you had some special subject that you would want to look up, as the matter of hydrostatics, you would go there and ask him for works on that subject, and then he would take you to the alcove where the works on engineering and those matters were, and you would get them in that way? A. Not only that. For instance, the subject of dredging and dredging machinery—I studied that up under the direction of the State Engineer, while I was there, and I had to look up a good many authorities in French, and he would get out the various French journals. I do not know whether he reads French or not, but he knew the general position of all the French works, and those I wished to get he was thoroughly familiar with their locality, though I do not recollect of his assisting me in looking up any subject after the books and references were found. That is all that I remember just now, though he may have done so. I do not recollect it.

#### TESTIMONY OF C. A. MURDOCK.

Called and sworn for the defense.

Mr. HINKSON—Where do you reside? Answer—In San Francisco.

Q. Were you a member of the last Legislature? A. I was.

#### *Competency and Deportment of Librarian.*

Q. Do you know Mr. Wallis? A. Yes; I made his acquaintance then for the first time.

Q. Did you have any business with him in an official capacity during the last session of the Legislature? A. Yes; during that time I was in the library frequently, looking up different subjects.

Q. Did you have any occasion to call on him for any assistance in connection with the library? A. Yes; in reference to works on special subjects that I was investigating.

Q. Did he ever furnish you authorities on any subjects that you desired information on? A. Yes; very promptly.

Q. State with what alacrity and with what familiarity he furnished you those authorities upon those subjects? A. Well, I remember especially of one occasion that I went to him in connection with the appropriations for State Prisons. Something had been brought up in the forenoon, and there was an adjournment just at that time, and I wanted to take the floor immediately afterwards. I went to Mr. Wallis, and he at once showed me everything, so that in a few minutes I had all the statistics for several years past, and I had all the information that I wanted on that subject. That is the only instance. Usually, when I have been to that department, his assistant furnished me with what I needed. I think that is perhaps the only time that I had any direct communication with Mr. Wallis.

Q. Did you visit the library frequently? A. Yes; I was there a great deal.



Q. What was Mr. Wallis' conduct with reference to dignity and courtesy towards yourself and other visitors at the library? A. It was most favorable, so far as I know of it. He always treated me with courtesy and kindness.

Q. Was he accommodating? A. Yes; very.

*Cross-examination.*

Mr. HOLL—The only instance you recall in which Mr. Wallis himself furnished anything was when he gave you a work that contained statistics in reference to the State Prison? A. He found all the volumes. I think he sent them in to me.

Q. Reports in reference to the management of the State Prison? A. Yes; I think that is the only occasion. There were some other works that I remember asking him for, and he found them for me. There was one occasion where I got a book, and I think it is the only book that I got from the library except those of an official character. Usually, when I went there, Mr. Gunn was there, and I did not come in contact with Mr. Wallis so much.

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TESTIMONY OF G. W. GORDON.

Called and sworn on behalf of the defense.

Mr. J. S. WALLIS—Where do you reside? Answer—In the City of San Francisco.

Q. Have you resided in Sacramento? A. I have visited Sacramento very often lately.

*Competency and Deportment of Librarian.*

Q. Are you acquainted with the Librarian, Talbot H. Wallis? A. Yes.

Q. How long have you known him? A. I think I have known him several years; two or three years.

Q. How often have you visited the library since your acquaintance with him? A. Well, very frequently; I could not tell exactly—that is for a non-resident. I have attended the Superior Court at Sacramento and the Supreme Court.

Q. Did you visit the library for any special purpose, or for amusement? A. For a special purpose; to look up law matters and to get books.

Q. What was his general conduct and demeanor towards you and others while you were there? A. He was very courteous, polite, and attentive.

Q. Did you ever seek from him any information on any particular subject, or any work on any particular subject? A. Yes, I have sought for various books there; legal works.

Q. Did you ever suggest to him any subject or branch of any subject



that you were seeking information on that he supplied you with?  
A. I always got from him such books as I requested.

Q. Did you ever suggest to him any particular branch or subject, without naming the author, or where it could be found, where he furnished it to you? A. Well, I had not much in that line of business to do; I have conversed with him occasionally on the condition of the library, and he seemed to be well posted.

Q. He seemed to be well posted? A. Yes.

Q. On the contents of the library? A. On the contents of the library.

Q. And as to the authors of various works? A. So far as I talked with him; it was not very extensive.

Q. In your interviews with him, were you always readily supplied with the information, or with the books that you sought? A. Yes.

Q. You have no cause of complaint? A. No; I never had any myself, and never heard of any when I was present.

*Cross-examination.*

Mr. HOLL—Did you say that you were always readily supplied with the information you wanted when you went to the State Library?

A. With regard to the books.

Q. With the information; there were two propositions in the question—as to your getting the books and the information. If that is so, it is a good place to go to if you can get the information? A. Such questions as I asked in regard to legal works.

Q. Your inquiries there were confined to the Law Library? A. Yes, mostly; almost entirely.

Q. And in the Law Library he furnished you such works as you called for? A. Yes, or explained the absence of them. He seemed to be well posted.

Q. How as to the miscellaneous departments? A. I never had any occasion to examine it.

Q. You never had any occasion to question him in reference to that? A. No.

Q. You never talked with him in reference to that? A. Not except in a general way.

Q. Have you talked with him upon any literary or scientific subjects? A. No.

Q. You know nothing about his qualifications or his attainments in those matters? A. No; not as to miscellaneous subjects.

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TESTIMONY OF W. C. BELCHER.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—Well, that is a matter a little difficult to tell.

Q. Where is your place of business? A. My place of business is in San Francisco, and my legal residence is in Marysville.

Q. You are an attorney at law by profession? A. Yes.



*Competency and Deportment of Librarian.*

Q. You know Mr. Wallis, the State Librarian? A. Yes.

Q. How long have you known him? A. Well, ever since he has been connected with the library, and I could not tell how long that has been.

Q. Have you had opportunities of knowing something of his qualifications for that position? A. Yes, I think so.

Q. Will you please state? A. I have frequently visited the library.

Q. You have visited the library frequently during that time? A. Yes.

Q. And have had business there very frequently? A. Yes.

Q. Just detail what knowledge you have of his qualifications without me asking any questions, and state what your relations have been with him in his official capacity in the different branches of the department of which he has the supervision? A. I have had occasion when he was in the Law Library to visit it a good many times, and I have found him always attentive and efficient, and if it is my judgment that you want as to his efficiency, I think that he is the most competent——

Mr. HOLL—We do not want your judgment; we want facts, and the Trustees will form their judgment.

A. Then ask me such questions as you desire to have answered.

Mr. HINKSON—Then I will ask you: You have stated in regard to his efficiency and it has been objected to. State the facts on which you have formed that conclusion? A. I could hardly state the facts other than what I have stated. Whenever I have been attending Court I have always had occasion to visit the library, and if I had occasion to inquire for a book, whether in that department of the library or in any other department of the library, I found that he was familiar with the places of the books and could readily get them for me.

Q. In both the miscellaneous and law departments? A. Yes; it would be hardly miscellaneous, because the books that I have had occasion to call for out of the Law Library were largely engineering and scientific books and books of travel.

Q. Just state what knowledge he displayed of that department—the scientific department? A. He seemed to be entirely familiar with the books, so that when I inquired for a book he could tell me whether it was there or not, and if it was there, he could get it for me, and that readily.

Q. What, if any, familiarity did he manifest with reference to the contents of the books that you have called on him for? A. Sometimes he was entirely familiar with them, and sometimes they would be on matters that I should not have expected him to be familiar with.

Q. As a Librarian? A. Yes.

Q. Can you recall to mind any instance where you have suggested subjects to him upon which he has furnished you with authorities?

A. Yes; and that particularly when I was engaged in the examina-



tion of the debris case. There were divers matters that I wanted authorities upon, and I asked him in regard to them, and he furnished me the books. On one occasion that I remember—but that, however, was in regard to law matters—I asked for authorities upon a particular subject, and there he exhibited a familiarity with the books, and the particular books that I needed to consult, and that was of considerable assistance to me.

Q. Your visits have been very frequent, during the period you spoke of, to the library? A. I have been a pretty regular attendant upon the sessions of the Supreme Court in Sacramento, for a good while, during the entire term that he has been connected with the library, and then from time to time at other times besides when the Court was in session.

Q. What has been Mr. Wallis' conduct with reference to his dignity and courtesy to yourself and other visitors when you visited the library? A. I could not desire to have one more courteous than he has always been—entirely so.

Q. Exceedingly accommodating? A. Yes.

Q. Can you relate any instance wherein he has manifested a spirit of accommodation to yourself? A. Always, when I have called for books, or asked for them, he has taken the trouble to get them, ordinarily, and always, when he was in the Law Library, he would select them and bring them to me. That would be a matter of accommodation.

Q. Has he served you out of office hours? A. Yes; he has always served me out of office hours, and very frequently I have had occasion to use the library even in the night, and even to the breaking of the sun.

*Cross-examination.*

Mr. HOLL—When you are in the library you are a pretty hard worker, and are pretty closely confined to your labors? A. I ordinarily have something to do.

Q. What transpires outside of the Law Library you know very little about when you are in the library examining your cases? A. I would not probably know anything that was outside of that room.

Q. The efficiency of Mr. Wallis has been shown generally in his ability to furnish you such books as you would call for in the Law Library. Is that what I understand you to say? A. In the Law Library, and, so far as I had occasion to call for them, in the general library.

Q. He did not furnish you with the authorities you would go there to examine, otherwise than when you would call for them he would find them? A. That would be finding books and bringing them to me. On one occasion, on some particular subject—and I could not tell you now what it was, but I simply remember the fact that there was some subject arose there in the progress of a case in the Supreme Court—it was suggested suddenly—and I asked him for authorities on that particular subject, and the next morning he gave me quite a list of authorities.



Q. Whether he himself examined the matter and looked it up or whether some one else did it, I suppose you do not know? A. No.

Q. That was on one occasion? A. That was on one particular occasion.

Q. Outside of the Law Library your investigations have been on scientific matters? A. Yes.

Q. Engineering? A. Yes; in engineering and matters that would pertain indirectly to engineering, like matters of climate.

Q. At the time you investigated that matter, it was very generally investigated and it was a matter of great concern, and a great many men were inquiring in the same line that you were? A. I do not know how many, or how many others may have been inquiring.

Q. That is a subject that has been very generally discussed, and a great many lawyers have been engaged in these debris suits? A. Yes.

Q. Within the last two years? A. Yes.

Q. And naturally a subject that interested you in preparing the case would interest other lawyers to inquire into the same subject-matter? A. I think not. I think that no other lawyer on our side, and so far as I know, no other one on the other side, went into that particular kind of investigation at all. It may be that some of them did, but I speak so far as it came in that case.

Q. What was the particular department that you were examining at the time Mr. Wallis served you in that way? A. Engineering questions, with reference particularly to water-hydraulic engineering.

Q. That is a subject that is very common in California—in reference to water and irrigation—that is a great question in this State? A. Yes.

Q. Necessarily that is a subject in which a great many people are interested? A. Yes.

Mr. J. S. WALLIS—Did you find him familiar with the subject-matter as well as the authors and the respective books that you were looking for? A. Well, now, except generally, that is a question that I could not answer, for the reason that I did not have occasion to discuss the questions involved with him, but in several instances he got authorities for me, and not only found the books for me, but turned me to the particular subjects for which I was immediately in search.

Q. He showed that he had some familiarity? A. That showed that he had some familiarity with the subject, so far; yes.

Mr. HOLL—Did you ever get any idea from Mr. Wallis upon the subject of hydraulic engineering, further than to have him get the books and look them over, and refer you to the subjects that were treated in them? A. No, probably not; at least I have no recollection of it.

Q. Independent of finding the matter in the books for you, did he ever talk with you or give you any knowledge of the subject? A. I do not think I ever discussed the questions involved with him; I may have done so, but if so, it has passed out of my recollection.

Q. He would simply get the books and look through them, and refer you to what he found in the books? A. Yes; and to what I wanted.



Q. That he could tell by looking over the books? A. And now, that you speak of that, I remember that I had occasion also to examine several of the books published by the Geographical Society of London; if I remember right that was with reference to the water question also, and I remember telling him what I wanted in regard to those books, and he found the books for me so that it saved me a great deal of labor in the search for the particular matter that I was seeking for.

Q. That is, he simply found you the volumes? A. He found me the volumes and the places, and put in marks ready for me to use.

Mr. HINKSON—In applying to him for these books, did he pick out books other than those in the English language? A. Yes; I think that of the engineering books the larger portion of them were in French.

Q. He showed an equal familiarity with those books as he did with the others? A. In referring me to the subjects and the books.

Mr. J. S. WALLIS—When there were several authors on the same subject, would he suggest to you one particular author as probably being the best for you to consult? A. In regard to that I do not remember.

Mr. HOLL—Does Mr. Wallis read French? A. That I could not answer, whether he does or not.

Q. Did you learn when he referred you to French works on hydraulic engineering whether he understood anything about those books; being able to read them? A. Whether he did or not I do not know, because when I went into the library the books had been selected and had been laid out for me, and I took them and sometimes examined them there, and sometimes took them to my room for examination, and whether he reads French or not, I could not answer.

Q. Those matters, then, so far as he was connected with the subject, did not necessarily imply that he could read the contents of those books? A. Well, if I were to make simply an application which would be without any knowledge, I should suppose that he must have some little familiarity with it, but whether he could read it readily or not, would be entirely another thing.

Q. You do not know whether he understands a word of French, do you? A. No.

Q. It was not a necessary thing, then, that he should understand French in order to furnish you with what he did? A. It would be necessary that he should have some little knowledge, in order to understand the terms and to know where things were to be found, although there is such a similarity between many of the words in French text books and English that it is possible he could tell.

Q. If it should turn out that he did not know a word of French how would you account for it? A. Well, either that there was such a similarity in the words between the English and the French words that the meaning would suggest itself, or else that other parties had examined the book and turned to the same places. If one knew nothing about it that would be the only way that I could account for it.



On Friday, January 4, 1884, the following additional testimony was taken at San Francisco, before Trustee Johnson :

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TESTIMONY OF JOHN S. ENOS.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—I reside in San Francisco.

Q. What official position do you hold at this time? A. I am Commissioner of the Labor Bureau of Statistics of the State of California.

Q. You were formerly State Senator from this city? A. I was elected Senator in 1879 from the Thirteenth Senatorial District, from this city, and served as such during the sessions of 1880 and 1881 and the extra session that was called.

Q. Your official and private duties have called you to the office of the State Librarian frequently during the past two years? A. Yes.

*Competency and Deportment of Librarian.*

Q. You know Mr. Wallis, the State Librarian? A. I knew Mr. Wallis while he was there under Mr. Cravens, and after he was made Librarian.

Q. You have had transactions with him as Librarian often, have you not? A. Well, I would not say daily, but it was almost every day that I had occasion to resort to the State Library, for information and references, and called upon him in his official capacity as Librarian.

Q. Will you please state, Senator, what you know of his qualifications for that position, and also what you know of his conduct with reference to his dignity and deportment in the office, and his courtesy and treatment of yourself and other visitors? A. Well, as I was going on to remark, I frequently visited the office, and my experience with Mr. Wallis was always that he was courteous, very gentlemanly and obliging. Whenever I could not go myself, and whenever a messenger boy was sent there for anything, Mr. Wallis would in most cases come personally and ask what information I desired, and he would bring it to me personally. In many instances I remember that. He impressed me as being a very efficient and gentlemanly officer. That was the impression that I received from my intercourse with the office and from my acquaintance with Mr. Wallis. I never saw anything that was out of the way, and I never saw anything but what was perfectly gentlemanly.

*Cross-examination.*

Mr. HOLL—Was it in the law or the miscellaneous library that you had occasion to carry on your examinations? A. Both; I think both the Law Library and the miscellaneous.



Q. What branch of the miscellaneous library did you use? A. Well, historical, a good deal; and I recollect, in relation to the debris question, that I was in there very often to study up its history.

Q. The matter of debris, hydraulic engineering, and matters of that kind? A. Yes.

Q. What was the service that you required of Mr. Wallis? A. Well, for instance, if I wanted any books, or any references to any books, I would go in there, and Mr. Wallis—I think that I consulted him principally while he was in there.

Q. Well, was the service you required of him to furnish you such books as you desired to examine? A. Well, for instance, there was a discussion on the charter of San Francisco, and it was principally a question of law, and I wanted the decisions of the different State Courts. I recollect that Mr. Wallis furnished me those books.

Q. You would give him the subject upon which you would want information, and you would want to know what the Courts had decided on particular points that were involved, and you would give him the points, and he would look up the cases where those matters had been decided, and furnish you the authorities? A. Yes, he would.

Q. During your intercourse with Mr. Wallis, did you ever enter upon any discussions with him about general literature, so that you are able to state whether he has any knowledge or any acquirements or any literary or scientific attainments? A. I do not know as I ever paid any particular attention to that branch of the subject.

Q. You do not remember of any conversations that you had with him? A. No; not particularly.

Q. Or any discussions about any different authors? A. No.

Q. Or as to historical works or matters of science? A. No; I have no remembrance of any particular discussion.

Q. I understand you to say, then, that he was always ready to serve you in such matters as you required? A. Yes.

Q. Without being able to state from your knowledge anything as to his literary or scientific attainments? A. No; I never had any occasion, and my attention was never called particularly to investigate whether he was a man skilled in the sciences, or anything of that kind.

Mr. HINKSON—Can you call to mind any circumstance where he rendered you service other than simply furnishing you the books that you called for? A. There is one little matter; it is a little matter, but I will refer to it. In the discussion of the debris question, the subject-matter in relation to dykes, and the extent of rivers and their flows, came up, and the river Po was mentioned, and Senator Cheney had alluded to it in his opening speech upon that question, and it became a subject of deep interest—that question among others—and I called upon Mr. Wallis for information, and he gave me all the information that could be derived upon that subject, and he took the books down and put marks in them. Upon the charter question, in relation to the constitutional points that were raised, and on several other occasions, he rendered me valuable aid by giving me information which of course I did not know where to find in the library, not being posted in relation to the matters; and when I went in and



said to him, Can you tell me about such and such a subject? he would go personally and take down the books, and give them to me, and give me references to others. That is what I meant when I said he rendered me valuable assistance; but as to the question that was put to me whether I ever discussed any particular branch of science or anything of that kind, with Mr. Wallis, I do not know as I ever did. I never had any occasion to. I was on the Committee on Federal Relations. Senator Baker was Chairman of that committee, and I wanted to post myself upon some matters that came before our committee—some Congressional matters—and I went to Mr. Wallis, and he went with me and took down certain Congressional reports, and furnished me with the information. For instance, there was a bill introduced by Senator Grove Johnson—something in relation to curtailing the freedom of the press—providing for individual responsibility for certain articles that might be published. It was the same bill in substance that he had introduced when he was in the lower house. I wanted to investigate that matter. I knew that Luke Poland, of Vermont, had made himself, in the estimation of a great many, obnoxious, by reason of his course in relation to a similar matter. I went to Mr. Wallis, and he spent nearly an hour with me in furnishing me with the information. Of course, that had passed out of my mind.

Q. On these occasions he made the examinations and furnished you the authorities? A. Yes, certainly; for which of course I felt very thankful, and, as I say in a general way, I never saw anything but what indicated that he was perfectly familiar with the duties of his office. I knew him when he was under Mr. Cravens, and when this matter came up I wrote him this note that you handed to me.

Mr. J. S. WALLIS—During your interviews with Mr. Wallis as State Librarian, did you find him as familiar with the subject-matters of your investigations as he was with the names of authors and of their books, and where they could be found in the library? A. I did; yes.

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#### TESTIMONY OF W. B. MAY.

Called and sworn on behalf of the defense.

Mr. J. S. WALLIS—Where do you reside? Answer—I reside in San Francisco.

Q. What is your occupation? A. I am an attorney at law.

Q. Have you held any public position during the past ten years, and if so what? A. I have. I was a member of the Legislature of 1877-8, and the three subsequent ones. I was a member of the Assembly.

#### *Competency and Deportment of Librarian.*

Q. During that time were you acquainted with the State Librarian, Talbot H. Wallis? A. I was very well acquainted with him.

Q. Had you occasion to visit the State Library for any purpose whatever? A. Daily, and sometimes several times every day.



Q. For what purpose? A. To obtain information relating to special subjects.

Q. You had interviews with the Librarian? A. Very frequently. First, in 1877-8, when he occupied a subordinate position—I understood that of messenger, or porter, or clerk—and next, when he was himself appointed Librarian.

Q. During that period, and when you visited the library, what was his conduct and demeanor towards you and towards others? A. Always most courteous. I never remember an exception to it.

Q. During your interviews with him did you find him familiar with the subject-matter of your investigation as well as he was with authors and books and where the books could be found in the library? A. Well, remarkably so, as I thought. I do not remember that I ever went to him on a subject that he was not able to enlighten me and bring me in contact with it in its best aspect.

Q. And that, too, without reference to the books? A. Yes; I went to him frequently on questions with reference to certain words little in use. I noted this particularly the first session, when he occupied a subordinate position, and to my mind he showed a remarkable knowledge of books and of things, and always supplied with the information, usually verbally. When I would go to him on a subject he would tell me verbally what the authorities said, and then would give me the authorities, or send them by a messenger into the Assembly and lay them on my desk.

*Cross-examination.*

Mr. HOLL—Give us some instance that occurred between you and Mr. Wallis that illustrates the matter about which you have testified? A. Well, of course, it would be difficult to give you any extended illustration, but I remember particularly one with reference to the water supply of London. I remember that particularly. The Spring Valley question was up. That was in the Legislature of 1877-8. There was very important legislation in reference to the Spring Valley, in which I took an active part, as the colleague of John F. Swift. I wanted certain information. A certain statement had been made on the floor with reference to the water supply of the City of London, and in answering it I wanted exact information about it. I went to the library for that purpose, and met Mr. Wallis, and Mr. Wallis told me how the City of London was supplied with water. I wanted the authorities, and he went and got some large volumes and brought them to me, and I found what I wanted, and I had the books carried into the Assembly, and I found that he was right on that.

Q. What books did he furnish you? A. I do not remember the titles; they were large volumes giving the history of the water supply of London.

Q. And of the different cities in the world? A. Yes, including London.

Q. Works devoted to the subject of city water supplies? A. Yes, chiefly.

Q. That, you say, was a matter that was at that time under discussion? A. It was under discussion in the Assembly.



Q. And that matter was one of considerable importance in the Legislature? A. I so thought.

Q. And a good many others thought so, did they not? A. Yes, I remember very well, if you will pardon me, that the information I got from Mr. Wallis and from the books, enabled me to slaughter some of my opponents on that occasion.

Q. You came off victorious; that is what makes you remember it? A. Yes.

Q. What information did you get from Mr. Wallis outside of what you found in the books? A. Well, I do not know; I do not remember that I ever gained any information from him that was contradictory to the text.

Q. It was simply stating to you what you would find in the books? A. Yes, in substance.

Q. Can you give us any other instance? A. Well, I do not recall any other; I might, perhaps, if I would study about it for awhile.

Q. In your intercourse with Mr. Wallis, did you ever have occasion to discuss any literary subjects? A. I must have done so, I should say.

Q. Do you remember whether you did or not? A. If you ask me that flatly, I should say I certainly did, but if you wanted an illustration, I probably could not give it to you, because my mind does not now travel over the subject.

Q. What was the matter under discussion? A. Well, I am not able to put my finger on it.

Q. I am asking you this question for the purpose of ascertaining whether you learned anything about his literary acquirements? A. Well, I know of dozens of cases with reference to the derivations of words, and of the particular meaning of words in bills that came up before my committee. I was Chairman of the Committee of Ways and Means, and some very important bills came before us, and in going through the bills we would often find words that I thought were used doubtfully, and I often referred to Mr. Wallis, and always with great happiness to myself, getting the derivation and the real signification.

Q. Did you prefer Mr. Wallis' authority to that of Webster or Worcester? A. No.

Q. Why did not you refer to those standard authorities? A. In some cases the word could not be found there at all, and you had to go to the Greek or Latin to obtain it.

Q. Then what did you do, when you could not find it in either Worcester or Webster? A. I went to Mr. Wallis, and he very soon put me on the right track.

Q. You mean to say that such words as you could not find in Webster or Worcester he was perfectly familiar with? A. No, I do not say that.

Q. Then what do you mean to say? A. I say that frequently he was able to put me on the right track.

Q. Would he trace back those words to the original Greek significations? A. I cannot say with reference to the Greek. He often did it in reference to the Latin.



Q. He understands the Latin language? A. That I cannot answer. I never conversed with him on that subject, but I know that he very often went to the Latin roots of words—very frequently.

Q. Did you make up your mind that he understood the Latin language?

Objected to.

Q. Did you have any such relations with Mr. Wallis that you learned from the books that he brought to you that he must necessarily have understood the Latin language? A. Well, there is an impression on my mind that he had some fair knowledge of the Latin language.

Q. What are the facts about it? A. I have given you the facts, that I went often to him and he carried me to the Latin roots of words. He often carried me to the Latin roots.

Q. Do I understand you to say that, during your intercourse with him, you became satisfied that he had an understanding of Latin?

Objection sustained.

#### TESTIMONY OF WILLIAM IRWIN.

Called and sworn on behalf of the defense.

Mr. HINKSON—You are a member of the State Board of Harbor Commissioners at present? Answer—Yes.

Q. You have been Governor of this State? A. Yes.

Q. During what time? A. I was Governor from the ninth of December, 1875, I think, until the first Thursday after the first Monday in January, 1880. I do not recollect the day of the month now.

#### *Competency and Deportment of Librarian.*

Q. You know Mr. Wallis, the State Librarian? A. Yes, I know Mr. Wallis.

Q. Had you frequent intercourse with him during your administration? A. Yes, during the period that he was in the library; I think during the whole period. Of course I was very often in the library.

Q. Will you state what you know of his knowledge of the library and of the duties of the office, and the way that he has administered the duties of the office, so far as your information extends in regard to it, and your personal observation? A. Well, I think Mr. Wallis' acquaintance is very good with the books that are in the library, and the places that they occupy in the library, and everything of that kind.

Q. What has been Mr. Wallis' conduct with reference to deportment and dignity in the office and courtesy towards yourself and other visitors? A. Well, Mr. Wallis has always extended to me all the courtesy and consideration that I could ask or expect, and he has done the same to others, so far as my observation has gone.



Q. I will ask you if you can call to mind any instance where you have sought information from Mr. Wallis on matters pertaining to the office? A. I do not know that I ever sought information of Mr. Wallis, except to ask him for books that I desired. When I have sought books he has always either got them himself or directed some other person to go and get them very promptly. I, individually, have always received all the attention in that respect I could ask from any one.

No cross-examination.

### TESTIMONY OF P. H. RYAN.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—At Eureka, Humboldt County, California.

Q. You are at present one of the State Senators from your county? A. I represent the Twenty-seventh Senatorial District in the State Senate.

Q. What positions have you filled under the State Government in past years? A. I was Engrossing Clerk of the Senate one session, the first session in Governor Irwin's administration, I think 1875-6. Since 1879 I have been a member of the State Senate.

### *Competency and Deportment of Librarian.*

Q. You know Mr. Wallis, the State Librarian? A. Yes.

Q. How long have you known him? A. Well, I met him at the State Capitol at the various times I have been there, both as Engrossing Clerk and Senator.

Q. State any facts that you know in reference to his qualifications for that position? A. I do not know whether I am a proper person to judge of qualifications.

Q. From the facts that have come under your observation; from your standpoint? A. I always found Mr. Wallis there, and I always found him courteous and obliging, and anything I ever wanted in connection with my business in the library he always was very willing to give me any aid that he could. If I wanted a book Mr. Wallis found it for me at once. He seemed to me to be a very valuable person in that position.

Q. Did he seem ready to give you information? A. Yes; always so far as I am personally concerned.

Q. Did he seem to understand his duties? A. I should think so; yes.

Q. From the manner in which he responded to your requests? A. I should judge so; yes, that would be my opinion.

Mr. J. S. WALLIS—When you called upon him for information on any subject, was he capable and did he ever give you the information without reference to any authority? A. I do not remember of ever asking Mr. Wallis' opinion upon any question. Perhaps I may



have in casual conversation, but I do not remember it. I have frequently gone there for books—both the statutes of this State and those of other States, and for certain laws, I think, at times—and he found them for me. I have also gone there for decisions of the Supreme Court of this State and of other States, and Mr. Wallis had invariably shown a willingness, and seemed to be very willing, to accord any information that I sought in that way.

Q. He showed a familiarity with all books pertaining to the library? A. I think so; yes; it appeared so to me. I do not know whether I am a competent person to judge as to his qualifications in that matter or not.

*Cross-examination.*

Mr. HOLL—Give us some instance that occurred that made an impression on your mind that he was perfectly familiar with the library and its contents? A. I do not know that I can recall any particular instance. It seemed to be his course always, from the time that I was connected with the Legislature. I have been in there frequently, and when I met Mr. Wallis, when I was Engrossing Clerk, he was a stranger to me, and I did not even know his name; but I found him there in connection with the library, and I found him very ready to give me any information that I wanted. I supposed that that was his duty.

Q. So far as you are concerned, his civility, and readiness, and willingness to serve you is about all you know of him? A. Yes, my acquaintance with him extends only to that.

Q. As to what information he may have upon any general subjects, do you know anything about that? A. I do not. I do not remember ever having interchanged views with him or asked his opinion about anything. If I ever have I do not remember it.

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TESTIMONY OF J. F. WENDELL.

Called and sworn on behalf of the defense.

Mr. J. S. WALLIS—Where do you reside? Answer—My office is in San Francisco, and my residence is in Solano County, at Suisun.

Q. What is your occupation? A. Lawyer.

Q. During the past ten years have you occupied any public position, and if so, what? A. I was State Senator during 1880 and 1881.

*Competency and Deportment of Librarian.*

Q. Are you acquainted with Talbot H. Wallis, the State Librarian?

A. Yes, I have been acquainted with him for several years past.

Q. In your official and private capacity have you had occasion, during the period I refer to, to visit the State Library for any purpose? A. Yes, I visited it quite frequently. While at Sacramento I visited it daily almost.



Q. What was the conduct of Mr. Wallis, and his deportment towards you and others, in the library? A. Well, I always found him very attentive and very obliging. When I first went to the State Library it was before I was elected to the State Senate. For several years I had occasion to go up there, more or less each year, to be in attendance on the Supreme Court, or on business in the Land Office, or in some of the departments about the State Capitol, and if I had any leisure time I was in the habit of going into the library and spending my time there; and that was before I was personally acquainted with Mr. Wallis, that is to know who he was. I thought he was exceedingly obliging and attentive to myself, when I was but a comparative stranger to him, as well as to others who came in there. Afterwards, while I was a State Senator, of course, being in the same building and attending daily sessions, I had occasion to use the library every day. I know that he was of a great deal of service, both to myself and to other members of the Legislature.

Q. Did you have occasion to call upon him for information or authorities upon any subjects? A. Yes; my intercourse was more of course with relation to the law department of the library, and in that I know that Mr. Wallis showed a great deal of familiarity with the cases and the decisions—I thought an unusual familiarity for a person who is not a lawyer. I would go to him and ask for authorities on certain propositions, or I would ask him where I could find certain works or certain decisions, and he would say in such a volume of reports, for instance.

Q. In your interviews with him you found him as familiar with the subject-matter of your investigation as with the authors and the books and the places where they were to be found in the library, did you? A. I think so. I think in the law department he seemed to understand where all the books were. Of course, in the library the arrangement would be changed at different times, and whenever I would ask Mr. Wallis where he kept such a book, he always directed me where the book was.

Q. In applying to him for any information on any subject, would he at any time give you the information without reference to any authority? A. In law matters, yes. I had very little do about other matters, but I always thought that he was familiar with that department, so far as I had any occasion to talk with him.

*Cross-examination.*

Mr. HOLL—The miscellaneous library you have not had much to do with? A. Not much. There is a branch that I had a sort of peculiar taste for—Niles' Registers and Biographies—and I know that he always seemed familiar with it. I would call on him to know where certain books were, or a certain class of books, and he always directed me without difficulty.

Q. Beyond the fact of his being able to find the works, showing a familiarity with the mechanical arrangement of the library, what other information did he ever furnish you—in the Law Library, I



mean? A. Well, for instance, a point came up in the discussion on the revenue bill, and I remembered cases that had been cited by our Court, and cases that had been decided by the Supreme Court of the United States, and other Courts, bearing on that question. We had a great deal of discussion as to the constitutionality of the various revenue bills, and there were other matters, and those cases each struck me that he was very familiar with them, for a person that was not a lawyer.

Q. That was a subject-matter that was very much investigated?

A. That was more so, of course, than others. I think there were a great many other cases, but there were none that impressed themselves as much on my mind as those cases.

Q. There would be naturally a great many Senators and Representatives in the same condition that you were in who would investigate that subject, and they would necessarily go to the library to get the information. That is so, is it not? A. Yes; that is so.

Q. Then that particular subject-matter, and the decisions that had been rendered upon it, and the authorities of text writers upon constitutional questions of taxation, would be a matter investigated to a considerable extent in the library? A. Well, that would be so, of course. Some questions have been investigated much more than others, but, as I said before, there were different questions, and this was impressed more strongly on my mind, because I paid more attention to it perhaps.

Q. What other questions do you think of? A. Well, we had, during the second session, the question of the constitutionality of the tax levy, and I suppose you have heard of the "slickens" question.

Q. Yes; we have had a little information around Sacramento about "slickens." A. I thought it was unusual for a person occupying that position, and not an attorney at law, to have as much familiarity with the laws and with the principles of decisions. I do not mean simply referring to the title of a case, or to say that such a case is in such a book, but I mean a familiarity with the principles decided by those different cases. That, I thought, required some mental acquirements.

Q. A man who had been in that position for ten or twelve years, and who had frequently been called upon by attorneys for books that contained decisions upon those subjects—would it be at all strange that he should know some little about it? A. I think a good many lawyers, if they had been in the library, could not afford as satisfactory information on those subjects as Mr. Wallis did.

Q. What makes you think that? A. Well, as I said, his acquaintance with the principles of the cases. He was able to make a statement in substance of what the case was and to tell what was decided by it. Of course, I understand that any one might refer to the simple title of a case.

Q. Outside of the Law Library did you ever have occasion to discuss matters of science, literature, history, biography, or subject-matters of that kind with him? A. No; I do not know that I ever had any discussion with him. In fact, there are very few men that I can say that I ever had discussions with on any of those subjects.



Of course, there are references, in conversation among gentlemen, to historical matters sometimes, and to poetical or literary matters. I thought that Mr. Wallis seemed familiar enough. I never knew him to betray any ignorance on those subjects.

Q. Do you recollect having any discussion in which he displayed any intelligence or any particular knowledge on any subject of that kind? A. As I said, there never has been any conversation between us, or any special discussion that I remember of, about literary or scientific subjects, but in allusions to any of these matters, or to literary matters, and authors, and quotations, etc., I never noticed any ignorance on Mr. Wallis' part. I thought his conversation was that of an educated gentleman.

Q. Have you any recollection now of any instance where anything of that kind occurred, or is it merely a general impression? A. It is a general impression.

Q. You cannot recollect any circumstance of that kind? A. I do not know that I can.

Q. You simply know that no impression was made on your mind by Mr. Wallis that he was particularly wanting in intelligence upon those subjects? A. Of course. Understand, that if you are acquainted with a gentleman and see him frequently and converse with him, you form a general impression as to his qualifications and attainments, and as I said, Mr. Wallis always impressed me that he was fully competent for that position, and that he showed an intelligent interest in the library and in its welfare.

#### TESTIMONY OF G. J. CARPENTER.

Called and sworn on behalf of the defense.

Mr. HINKSON—What is your profession? Answer—Practicing attorney.

Q. You are one of the Railroad Commissioners of this State? A. I am; that is generally known, I guess.

Q. You have been a member of the Legislature within the last few years in this State? A. Well, I have almost forgotten when I was a member last; 1875, I think it was.

Q. From what county? A. El Dorado.

#### *Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis, the State Librarian? A. I do.

Q. How long have you known him? A. I think about ten or twelve years.

Q. During that period has your business called you frequently to the State Library and in contact with Mr. Wallis? A. Well, I have been there several times, possibly as often as most attorneys.

Q. During the time you were a member of the Legislature did your business call you there frequently? A. Well, when I was a member



of the Legislature, I do not think that I visited the library very often ; I made use of the Pages a great deal, and sent for books ; I was in there, however, occasionally, and sometimes I was seeking for certain books myself.

Q. Did you ever seek information from Mr. Wallis? A. I have.

Q. Just state, if you please, what you know of his qualifications for that position? A. Well, in a general way, which is the only way that one can state transactions from time to time running through several years, I have always found him very accommodating, and seeming to have a general and intelligent comprehension of his duties.

Q. Courteous and accommodating to yourself and others in your presence? A. Always. I thought exceedingly so, and exceptionally so.

*Cross-examination.*

Mr. HOLL—I understand you to say that you have gone to the library and sought information through Mr. Wallis, or from Mr. Wallis? A. I do not desire to be understood as asking him questions going to his knowledge of books, and of the contents of the books.

Q. That is what I wanted to know, if you did that? A. No; I do not recollect to have done so; I may have; but I have frequently gone to him for books, and have asked him for them by title, and have always found him very ready, and seemingly intelligent.

Q. That is, intelligent to the extent of knowing where the books were kept, and being able to find them? A. Yes; being able to find them, and producing them very quickly.

Q. Being civil in his conduct and ready to serve you? A. Always.

Q. That is about the extent of what you know of Mr. Wallis as a Librarian? A. That is about the extent. Of course, I have had private conversations with him, and I have known him personally outside of the library.

Mr. HINKSON—You remember any circumstance where he assisted you in looking up authorities on any question relating to statistics? A. I was trying to think. I have a dim recollection of things of that kind, but I cannot fix the time nor the occasion. I have no doubt in the world that I have asked him questions concerning books, and what books he thought I could find in the library touching some questions that I was interested in and was trying to elaborate upon, but I do not recollect time or occasion.

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TESTIMONY OF STEPHEN G. NYE.

Called and sworn on behalf of the defense.

Mr. J. S. WALLIS—Where do you reside? Answer—In Alameda County. My business is in Oakland.

Q. What is your occupation? A. Lawyer.

Q. During the past ten years have you held any public position,



and if so, what? A. Well—within ten years—I was County Judge of Alameda County from 1867 to 1878, when I resigned. In 1879 I was elected to the Senate, and was in the Senate in 1880 and 1881.

*Competency and Deportment of Librarian.*

Q. During that period had you any occasion to visit the State Library? A. In the Winters of 1880 and 1881, very frequently—daily, almost.

Q. Were you acquainted with the Librarian, Talbot H. Wallis? A. Yes; he was deputy, I think, then. I know he was. He was in the law department, and I became acquainted with him to know who he was, in the Winter of 1880.

Q. Will you state generally your knowledge of his competency and his knowledge of what the library contained, and also as to his conduct towards yourself and others who visited the library in your presence during the time that you visited the library? A. My visits to the library were almost solely to the law department. I was Chairman of the Judiciary Committee of the Senate in the Winter of 1880, and that being the first session after the adoption of the new Constitution, there were a multitude of questions and bills referred to the Judiciary Committee on constitutional questions, and my position as Chairman involved a good deal of personal labor, and I began with the idea of looking up all those questions myself; but I found that Mr. Wallis was very ready to assist, and I turned the work over to him, largely, in hunting authorities, and I found him of invaluable assistance, and I thought him the most competent man I had ever met in work of that kind—in hunting authorities, and the judicious selection of authorities that bore on a case.

Q. In your interviews with him did you find him as familiar with the subject-matter of your investigations as with the names of the authors and of the books and the places where they could be found in the library? A. It seemed to me so, yes; so much so that I imposed upon him, perhaps, work in my private capacity as a lawyer that I need not have done. In the Winter of 1881 I had a couple of very important cases—one involving the settlement of a partnership, where one of the partners had died; and another to ascertain the law as to how far a deed made before death would operate in the place of a will, or whether it would operate—and being in the Legislature, and not having time to look them up, I turned over the questions and the labor of hunting authorities to bear on the subject, to Mr. Wallis, and I afterwards verified them by hunting up everything that I could find, and I thought he had exhausted the subjects. I found no new authorities, and his comments and memorandum which he gave me indicated to me that he had particularly good discrimination in determining what applied to cases. My general idea was that he was exceedingly competent in the law department.

Q. When you applied to him for information upon any subject did you find him ready to give you a reply without referring to the authorities? A. Yes, always ready. He could always give me some



idea of where I could find references to the subject and where it was treated.

Q. Would he at the same time be able to give you any information in addition on the subject? A. Yes, that is what I intended to convey by my answer, and that is why my attention was called to him. I always thought he was the right man in the right place in that department. I have been in the Law Library a great deal, and I found him the most efficient man I ever met in a Law Library. I think that I express the universal opinion when the subject was brought up, and I have referred attorneys frequently to him to assist them.

Q. You did that because of your knowledge of him and the information that you had received of him? A. Yes.

Q. And his competency? A. Yes. Of course I formed that opinion, in the first place, from my knowledge of him in 1880.

*Cross-examination.*

Mr. HOLL—Outside of the Law Library, have you any knowledge, gained through intercourse with Mr. Wallis, as to the extent of the information that he possesses of the library and its contents, or as to his knowledge on general subjects? A. No, I have not. I never had occasion, and I do not think that I ever consulted authorities. Yes, I will say that I had on one occasion. There was a bill before the Legislature once, with regard to investigating the water supplies of the San Joaquin Valley, with a view of making appropriations, and with regard to that I wanted to look up the irrigation question, and find out what had been done in other cases, and I applied to him to know where I could find authorities on that question, and he referred me to the department and picked out the books which gave me the information.

Q. That is the only instance where you had occasion to call upon him outside of the law department? A. That is the only thing I remember now, outside of the law department.

Q. Now, I understand you to say, that when you would give him a subject some time, upon which you wanted authorities, he made what lawyers might call a brief, or points and authorities, for you? A. Yes.

Q. In that you found him efficient? A. Very much so.

Q. And ready to serve you? A. Yes, always very obliging.

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TESTIMONY OF J. H. CULVER.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—In San Francisco.

Q. What is your business? A. Secretary of the Industrial Exposition of the Mechanics' Institute.



*Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis? A. Yes.

Q. How long have you known him? A. I have known him, I think, about four or five years.

Q. Have you had, during that period, any business transactions with him in his official capacity? A. Well, to a certain extent, yes.

Q. In what way? A. By visiting the library and asking for information at various times in regard to matters.

Q. Have your visits to the library been frequent during that period? A. Yes.

Q. State what you know about his qualifications for that position? A. Well, I should not consider—

Q. I will ask you if you have had any experience yourself in the management of libraries? A. Well, I have, but not particularly. I have been, of course, connected with the Mechanics' Institute for many years, and my business being in the building, I am in the library almost every day.

Q. Please state what you know of Mr. Wallis' qualifications for that position? A. Well, I consider them good. I consider him an excellent Librarian—always courteous and very ready to give information.

Q. Upon what facts do you base that opinion? A. Personal observation.

Q. What has been Mr. Wallis' conduct with reference to his deportment and dignity in office and courtesy to yourself and other visitors? A. It has been good.

*Cross-examination.*

Mr. HOIL—How long do you say you have known Mr. Wallis? A. I think it is about four or five years. It was the session of the Legislature of 1880, I think.

Q. How frequently have you been in the library since that time? A. Well, I have been at Sacramento during the last three sessions of the Legislature, and it is only during the sessions that I have been there, but in those times I used to visit the library almost every day.

Q. Give us some instance that impressed your mind and convinced you that he is a competent Librarian? A. Well, I cannot, perhaps, give any special instances more than whenever I have been in there I have always found him ready to answer inquiries, and in a general way was courteous. I cannot very well give instances, but you understand that when a man goes in there and he is always ready and willing, and seemingly anxious to do everything that he can—

Q. Courtesy and civility alone do not exactly constitute a good Librarian? A. Not alone.

Q. Outside of that what facts do you base your opinion upon? A. On his general knowledge of the books contained in the library.

Q. Give us some instances to show Mr. Wallis' familiarity with the library and its contents? A. I do not think that I could give any special instance.



Q. Did you ever have any talk or discussions with him upon any literary subjects? A. I think I have conversed a number of times in regard to the rules and regulations and management of libraries. I cannot say positively, but I think we have. We used to have conversations often in regard to such matters.

Q. Did you ever have any discussions, or talks, with him in reference to any other libraries in the United States, or in other countries? A. I do not know whether I have or not. I presume that I have.

Q. Well, did you—I want to know what you remember? A. I remember of speaking to him in regard to different libraries in the East. I had recently visited the Eastern States, and had visited the library at Washington and other libraries, and I remember having conversations with regard to those libraries.

Q. When was that? A. In 1880; I remember it was at that time, because it was but a year or two before that I had been East.

Q. You told him what you had seen—was that the substance of your conversation? A. That was about the substance. We spoke in a general way about the different libraries, and about our library here in San Francisco.

Q. The subject-matter of your conversation was in telling him what you had seen in other cities and at other places? A. I presume that was about the substance.

Q. Did you ever discuss with him any matters of history? A. I do not think I did; I do not remember.

Q. Or general literature? A. I do not remember.

Q. Then, from your own knowledge, you do not know how much information he has upon miscellaneous subjects of that kind? A. I could not, any more than by my asking him at various times, perhaps, where certain books were to be found in the library.

Q. And when you made such inquiries he has always found you such works? A. Yes, and he could answer such questions.

Q. As to his knowledge of the contents of the books, do you know anything about that? A. Not except in my general conversation with him. I should consider him a well informed person on general subjects.

Q. You cannot now repeat any instance where you had a discussion with him? A. I cannot.

Q. Or the substance of any discussion that made any impression on your mind? A. No.

Mr. J. S. WALLIS—Have you any recollection of ever making application to him for information on any subject when he answered you without reference to books or authorities? A. I cannot recollect it.

#### TESTIMONY OF A. L. CHANDLER.

Called for the defense, sworn.

Mr. J. S. WALLIS—Where do you reside? Answer—In Oakland at present.



Q. What is your occupation? A. I am a farmer.

Q. During the past five years have you occupied any State office?

A. I have been in the Legislature several times.

*Competency and Deportment of Librarian.*

Q. Have you had occasion to visit the State Library during that time for any purpose, public or private? A. Quite frequently.

Q. Are you acquainted with Talbot H. Wallis, the present Librarian? A. I am.

Q. State what his conduct and demeanor was towards you and others in your presence when you visited the library? A. Uniformly gentlemanly and obliging.

Q. Did you ever have any occasion to apply to him for information upon any subject, or for books? A. I did, quite frequently.

Q. What was the result? A. I was always referred to them, and they were got from the library, usually, and given to me with a great deal of pleasure, seemingly, on the part of Mr. Wallis.

Q. In making these requests, did he ever give you the information without reference to books or authority? A. I think he did; at least he always told me where I could find the information, or books on the subject.

Q. Did he show a familiarity with the subject-matter of your investigation as much as he did with the authors and the books and the places where the books could be found? A. I think he did.

*Cross-examination.*

Mr. HOLL—What instance can you recollect where he manifested any knowledge outside of the books you were in pursuit of? A. I do not know that I can give you any particular instance. I used to go in there and ask questions in regard to matters, and I wanted to hunt up statutes to find something in reference to bills that I was interested in, and he always seemed familiar with them. I cannot remember any particular instance.

Q. Your business was principally in the Law Library, was it? A. Yes, usually.

Q. Did you ever have occasion to call upon him for anything in the miscellaneous library? A. I do not recollect that I ever did particularly.

Q. In the Law Library he was able to find for you and furnish you such books as you wanted? A. Yes; usually the books that I desired contained the statutes.

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TESTIMONY OF H. VROOMAN.

Called and sworn on behalf of the defense.

Mr. J. S. WALLIS—Where do you reside? Answer—In Oakland.

Q. What is your occupation? A. Attorney at law.



Q. During the past ten years have you occupied any State office?  
A. I am at present State Senator from Alameda County.

Q. Have you in a public or private capacity had occasion to visit the State Library during the several years last past? A. Yes.

*Competency and Deportment of Librarian.*

Q. Are you acquainted with Talbot H. Wallis, the present Librarian? A. Yes.

Q. How long have you known him? A. I cannot tell when I first met him. I have been at the State Library at every session of the Legislature since and including the session of 1873-4.

Q. During your acquaintance with him, and while he has been connected with the library, have you had occasion to apply to him for information upon any subjects? A. Yes; very frequently.

Q. What has been the result of your application? A. He has always been very prompt and obliging in furnishing me information and in doing everything he could for me when I desired information in the examination of books.

Q. In making your requests of him has he furnished you information upon the subject-matter without reference to the authorities? A. Yes; and also when I desired it he has referred me to authorities and furnished me with books and everything of that kind.

Q. During that time what has been his general conduct and deportment towards yourself and others in your presence? A. Well, it has been, I would say, unobjectionable. He has been gentlemanly in his conduct and deportment towards me and towards others in my presence.

Q. State your knowledge of his efficiency and deportment? A. Well, I have always looked upon him as a very competent Librarian, and have looked upon his conduct there in the library, in my presence, and to me, as entirely unexceptionable, and I consider him the proper man in the proper place. Of course, when I first had occasion to use the library, I was there simply as a citizen, holding no State office and having no particular claim upon him or upon the library. As I said before, I was in attendance on the Legislature, representing certain interests there, all the time during the sessions of the Legislature. His attention to business was such that it attracted my notice, and I remarked it to a great many, that he appeared to be a very competent, reliable, and worthy man in the place.

*Cross-examination.*

Mr. HOLL—Your experience with Mr. Wallis has been in the Law Library? A. Both in the Law Library and in the general library.

Q. Now, what was the kind of service that you called upon him to perform? A. Well, in the Law Library, of course, I was writing briefs on almost every conceivable question, as you might say; that is, on a wide range of subjects, and frequently I would go to him and say: "Have you any authorities on such and such a proposition?" and "I would like to have you show them to me," or "do you know



where I can find them?" It was both upon legal questions and other questions.

Q. What else in that line? A. Well, that is all.

Q. He seemed to have some familiarity with the law books? A. Yes.

Q. And could sometimes tell you where certain points had been decided and where you would find decisions on certain propositions?

A. Yes.

Q. Now, in the miscellaneous library what was the service that he performed for you there? A. Well, I would frequently desire miscellaneous books bearing upon legal questions—upon constitutional questions.

Q. Then you would ask him for the books? A. Sometimes I would ask him for the books, designating them, and sometimes I would ask him if he had any books in the library bearing upon certain subjects.

Q. He knew the books were in the library and could furnish them? A. Yes.

Q. That is about the extent of your knowledge in reference to his ability as Librarian? A. Yes.

Mr. HINKSON—Do you mean to be understood that his knowledge that certain books were in the library, and that he could furnish them to you, that that was the extent of his knowledge? A. Of course, I do not know anything about that.

Q. I am speaking in reference to your testimony. You have testified that he furnished you authorities on various questions that you were examining? A. Yes.

Q. Judge Holl tried to make it appear that so far as you know, that was the only knowledge he had as to the books you called for? A. I do not wish to be understood as testifying to that.

Mr. HOLL—As far as the contents of books is concerned what knowledge did he have? A. He seemed to know if I went there and asked for authorities upon a certain point, where to find them.

Q. That is in the Law Library? A. No; in the miscellaneous library. He seemed to know if he had books there that treated on that subject, and he would go and get them.

Q. That is what I say. If you wanted to investigate a certain subject in the miscellaneous library, you would ask Mr. Wallis if he had books that treated on that subject? A. Yes.

Q. And he knew whether he had them? A. Yes.

Q. And would get them? A. Yes.

Mr. J. S. WALLIS—At those times did he give you information and converse with you intelligently upon the subject that you referred to and desired to investigate, without going to the books and authorities? A. Well, he did to the extent of giving me to understand—for instance, if I would be writing a brief on the question of the State and its legislative limits, I would say: "Have you anything that bears on that question?" and he would say: "Yes; I have."

Q. Would he then speak of it? A. He would then explain somewhat as to what certain authors had stated on the subject, and he would get the books.



Mr. HOLL—Give us some instance of that that your mind recurs to now? A. Well, I was writing a brief upon the question of the power of the Legislature to prohibit the sale of intoxicating liquors within one mile of the University, and within certain distances of the State institutions generally, and I said to him that I wanted some books—text-books not in the Law Library, but by writers upon governmental subjects, who treated on the State and its legislative limits—and then he went on to tell me what Lieber said about it, and Mill on Liberty, and other authors, and went and got them for me.

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TESTIMONY OF WILLIAM T. WALLACE.

Called and sworn on behalf of the defense.

Mr. HINKSON—You reside in San Francisco? Answer—Yes.

Q. You are a lawyer by profession? A. Yes.

Q. You have been a Justice of the Supreme Court of this State? A. Yes.

Q. During what period? A. From 1870 to 1880.

Q. And was Chief Justice during what part of that time? A. Eight years.

*Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis, the present State Librarian? A. Yes; I know him.

Q. How long have you known him? A. I could not tell that. I have known him for a long time.

Q. Have your official duties brought you in contact with him frequently, during your term of office? A. I do not remember when Mr. Wallis came there.

Q. He went there in 1871. Please state what you know of his qualifications in the discharge of the duties of Librarian?

Mr. HOLL—Limiting it to your own personal knowledge.

A. Well, I never saw any objection to Mr. Wallis in any respect in my connection with the library. He always seemed to be exceedingly accommodating, pleasant, and agreeable.

Mr. HINKSON—Did he seem to understand the duties of the office, as far as your observation extended? A. As far as my observation extended, I never saw anything that indicated that he did not.

*Cross-examination.*

Mr. HOLL—Did you, during that time, by conversation or otherwise, learn anything about Mr. Wallis' attainments on different subjects of literature, history, art, and science? A. I do not think that I did. I went frequently into the library and inquired for what I wanted, and got it without trouble. He seemed to be entirely familiar.

Q. You would inquire for certain works, and he would get them for you? A. Yes; I do not think I ever consulted him.



Q. Did he furnish you such books as you called for? A. Yes.

Q. You had very little intercourse with him? A. Very little; but when I had any business there he seemed to be very polite, and made it agreeable for me to go there.

Q. He was ready at all times to serve you? A. Yes. I do not know as I ever tested him by asking his opinion about things.

Q. You do not remember of ever making any test as to his acquirements—his general acquirements? A. No. You mean as a Librarian?

Q. No. I mean as a man of general information and general intelligence, and one familiar with books—science, art, literature, and history? A. I suppose that I was present when he was admitted to the bar—I do not refer to that. You are speaking of literature, I suppose. Of course Mr. Wallis underwent an examination before us as to his qualifications for admission to the bar.

Q. That is not the idea. As a Librarian, do you know whether or not, of your own knowledge, he possesses those attainments which a person in his position, having charge of a literary institution of that kind, should possess? A. Well, I can only say that I have been there a great deal, and I did whatever I wanted to do there, and if there is any defect or fault in his attainments I never discovered it.

Q. You never had any occasion to make any particular inquiry to satisfy your mind whether he was or was not possessed of those qualifications? A. The question, certainly, was never up.

Mr. J. S. WALLIS—You mean to say that, so far as your observation goes, and the necessities which called you to the library, you always found him competent? A. Entirely so—entirely.

### TESTIMONY OF A. L. RHODES.

Called and sworn on behalf of the defense.

Mr. J. S. WALLIS—Where do you reside? Answer—In San José.

Q. What is your occupation? A. Attorney at law now.

Q. Have you, during the past ten years, held any public position?

A. I was a Justice of the Supreme Court until four years ago. I left the bench in 1880.

### *Competency and Deportment of Librarian.*

Q. During that time had you any occasion, in your public or private capacity, to visit the State Library? A. Very often.

Q. Are you acquainted with the present Librarian, Talbot H. Wallis? A. Yes, I have known him since he was a boy, and all the time that he has been in the library. I saw more of him there than I did previously.

Q. State what you know of his competency, and of his conduct and demeanor towards you and other persons, in your presence, in the library? A. I have seen nothing that was exceptional in his



demeanor towards others. My knowledge of his capacity as a Librarian is confined mostly to the law department; and upon inquiry for books of any description, if I could not readily lay my hands upon them, I would always ask him for them, if he was accessible, and I found him very ready and capable in that direction.

Q. In making those applications to him, did he ever express any opinion, or give you any information upon the subject-matter of your investigation, without referring to the authorities? A. Yes, many times.

*Cross-examination.*

Mr. HOLL—In what respect? A. When questions would come up, or inquiries in relation to a particular work or volume—and it has happened several times—he would say so and so has that book; and in speaking of cases, he would speak of the points to which the case was applicable, and he would speak of other books in which there were authorities on the same subject.

Q. Can you now remember any of the subjects? A. No, I could not.

Q. You do not know whether it was a subject that was frequently discussed or not? A. No; nor could I tell whether it was something where the knowledge came from recent discussion by counsel in the library. It might have been so. He could remember those things very readily, much more readily than I could.

Q. Do you know anything about his general attainments in literature, science, and art? A. Very little. Our conversation has been mainly directed to legal matters and law works and law publications. I have a few times been brought in contact with him in respect to matters in the miscellaneous library, and once or twice I have inquired for works which are not, perhaps, frequently inquired for, and he has gone and got them for me after saying that he had them.

Q. That would show a familiarity with the arrangement of the library? A. To some degree. It might be, however, that those books were rare and out of the usual run, but he would know where they could be found. It might show that, and it might not.

Q. As to the contents of books, did you ever discuss that subject with him so as to know anything about his knowledge? A. Not in the literary or scientific department. I do not think it ever happened.

TESTIMONY OF GEORGE H. PERRY.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—In San Francisco.

Q. What is your profession? A. Attorney.

Q. Do you hold any official or State position? A. I do; I am Senator from the Tenth District.



*Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis, the State Librarian? A. Yes.

Q. Have you had any business relations with him in his official capacity? A. I have.

Q. State what you know of his qualifications for that position from your own personal observation? A. Well, both during the session of 1881, when I was holding a position in the Legislature, and during this last session, I was in daily communication with Mr. Wallis, and I was in the library a great deal of my time. I found him very willing and accommodating, and he would pick out the books that I asked for with great readiness, and on any particular point that I would ask him about. I cannot remember the exact points, but I would ask him frequently with reference to certain points and he seemed to possess a ready knowledge of what I desired.

Q. That is as to the contents of books? A. Yes.

Q. What position did you occupy in the Legislature of 1881? A. Clerk of the Judiciary Committee of the Assembly, and as such I spent the greater portion of my time in the library. Mr. McClure, the Chairman of the committee, was continually referring questions to me that compelled me to seek the library and to seek the aid of Mr. Wallis. I found him most accommodating at that time, and I appealed to him very often for information.

Q. He readily furnished you information and authorities upon questions of law that arose in the Legislature? A. Yes, he did.

Q. What was his deportment and demeanor towards yourself and other visitors when you visited the library? A. I always found Mr. Wallis a very accommodating person, and in very many cases he put himself out to accommodate me, that is in obtaining books for me. From my observation, he manifested the same disposition towards others. I have no complaint to make myself, and heard of none.

*Cross-examination.*

Mr. HOLL—Your connection with him was in the Law Library principally? A. It was, so far as my duties were concerned. During my spare time I read a great deal in the library, and spent a great deal of time there in looking up other matters.

Q. Give us some instance that you can call to mind wherein he displayed any knowledge of the contents of books? A. That would be somewhat difficult, owing to the lapse of time. I remember that I was following up a series of historical readings at that time, on my own account, and I very often conversed with Mr. Wallis on that subject. That was in 1881, during the session of the Legislature, and he helped me considerably in picking out books, and we conversed considerably there. That was the general course of my reading at that time. During the last session, of course, it was more on legal propositions. I read a great deal in the library, and looked up points that were being debated during the session, but I cannot specify any particular work the last time. It was a course of general



inquiry—you might term it so, but there was nothing that is now fixed on my mind, not expecting that it would be necessary to recall it.

Q. In your historical researches, give us some instance where Mr. Wallis' superior knowledge was of any assistance to you? A. I only got notice to appear here a few minutes ago, and I have not had time to recall anything very particularly; but I made a number of inquiries about English writers and English authors. That is the best of my recollection. He helped me there, I know. More than that I could not say. I only know that I derived assistance from him.

Q. You would ask him, for instance, who had written on certain historical subjects? A. Yes. The idea I mean to convey is, that Mr. Wallis seemed to know just what I wanted, and he seemed to know where it was in the library, and he knew what works the library contained.

Q. If you wanted, for instance, a history of the Netherlands, you would ask him whether he had any histories of the Netherlands, and he would be able to tell you the authors who had written histories on that subject? A. Yes, that is about the idea that I want to convey.

Q. And the same, for instance, if you wanted to peruse a history of England, he could give you the name of the authors who had written histories of England? A. Yes; and collateral matters.

Q. That is about the information he would furnish you, by assisting you? A. Well, my inquiries of him did not go any deeper. What inquiries I made he seemed to be well up on, and he was in a position where he could readily accommodate me.

Q. The inquiries you made were not as to the contents of the works, but as to what books he had that treated upon subjects? A. That is the best of my recollection. I had very many conversations with him, but at this date I could not give you the purport of those conversations. I only know generally that we talked about it.

Q. When you came to the Law Library he showed some familiarity with the decisions and the subject that you were investigating? A. I could hardly term it "some." He showed himself ready in furnishing whatever books I wanted. That was especially so in relation to the subject of contested elections. I remember that more particularly. I looked up some of those matters on my own account, and for others, and he helped me a good deal.

Q. What information did he furnish you. Did he furnish you the books that contained the decisions? A. There were a number of cases cited by the Senators on the other side, and I made note of them and one or two of the reports I had lost track of, and I gave him the cases and he named the reports to me.

Mr. J. S. WALLIS—During the researches you speak of, and the conversations that you have referred to, did he manifest a knowledge and did he impart any information to you upon the subject without referring to any author or any book or any authority? A. Well, in this one matter—this contested election matter—he did. He seemed conversant with it. It is so long ago, and these matters not being fixed in my mind, I cannot say.



Q. Did these conversations go beyond the mere fact that there was a certain book written by a certain author, or did they reach the contents and the subject-matter? A. Well, to the best of my recollection they did, but I could not state positively, as it is so long ago.

Mr. HOLL—Do you recollect now a single instance where he ever was able to furnish you with a historical fact outside of furnishing you with the books which contained that fact? A. I am not prepared to answer that positively. It is three years ago now, and the only thing that is fixed in my mind is that I was pursuing that course of reading at that time, and I know that Mr. Wallis, on a number of occasions, was of benefit to me. Just what the conversations were, or how much he helped me, I could not say positively.

Q. Do you call to mind any time when you sat down with him without books and discussed historical subjects when he displayed any knowledge of history? A. I do not remember of any particular time; no.

#### TESTIMONY OF JAMES A. JOHNSON.

Called and sworn on behalf of the defense.

Mr. HINKSON—You reside in San Francisco, Governor? Answer—Yes.

Q. What official position do you now occupy? A. I am Registrar of San Francisco.

Q. You are one of the publishers of the Alta California? A. Yes.

Q. What official positions have you held under the Government of this State? A. Well, the last one, and during Mr. Wallis' time, was that of Lieutenant-Governor.

#### *Competency and Deportment of Librarian.*

Q. How long have you known Mr. Wallis? A. Well, that I cannot say. I have known him for several years.

Q. You have had occasion to visit the library during that period very frequently? A. Yes.

Q. Will you please state, in your own way, what you know of Mr. Wallis' qualifications for that position? A. Well, I consider Mr. Wallis a well qualified Librarian, from what I have seen of him. I never had any occasion to call upon him, except in the Law Library. If I wanted a book when I was in office at any time, I would call for it, and get it. Mr. Wallis generally waited upon me, and steered me clear in the Law Library. Outside of that I do not recollect having occasion to call upon him.

Q. Can you call to mind occasions when he has rendered you assistance and furnished you authorities on any subject? A. No; but I am satisfied that Mr. Wallis, on a great many occasions, had found me the books that I wanted and provided me with material to work with. I do not know as I ever called upon him for any authorities,



because I always came into the library prepared to do my own work when I found the books.

Q. What has been Mr. Wallis' deportment and treatment of yourself and other visitors in the library when you have been there?

A. His deportment towards me has always been that of extreme politeness.

Q. Accommodating? A. Very, indeed.

No cross-examination.

### TESTIMONY OF ALBERT LYSER.

Called and sworn on behalf of the defense.

Mr. HINKSON—Where do you reside? Answer—In San Francisco.

Q. What is your occupation? A. I am a teacher and editor of the Pacific School Journal.

#### *Competency and Deportment of Librarian.*

Q. Do you know Talbot H. Wallis, the State Librarian? A. I have known him slightly for five or six or seven years, I think, and quite well for three years.

Q. During the time when the Journal was the official organ of the State Department of Public Instruction did your business bring you in frequent contact with him as State Librarian? A. My business has not, but my tastes have. I am something of a book worm, and I have made the State Library in Sacramento something of a haunt when I have been there.

Q. State what you know of his qualifications from your observation? A. I have always found him exceedingly accommodating in every way, and apparently well acquainted with the contents of books.

Q. In the miscellaneous department? A. In the miscellaneous department. I know nothing of any other.

#### *Cross-examination.*

Mr. HOLL—What made that impression on your mind, that he knew the contents of books? A. I would go into the library to read, and I would generally ask for books, and he would frequently suggest something in the line I was pursuing. There was one instance that was quite suggestive, in the way of art. I remember in particular of his showing me books on art, or illustrated works, which showed that if he had not much knowledge he must have had a very keen appreciation at least of art, to my mind. I remember particularly of his showing me some very fine illustrations of the Paris Exposition.

Q. He simply exhibited those to you as works of art? A. He seemed to know what was in them. He seemed to know that they were works of art.

Q. He could not very well know less than that? A. No; you mis-



understand me. From my knowledge a person might take those books and look at them as pretty pictures, and nothing more. I think he certainly showed a little more than common appreciation. That has often been my observation—two persons will look at works of art—

Q. You mean that he has the qualifications of an art critic? A. To what extent I do not know. He has some such qualifications, whether natural or acquired, I do not know.

Q. That was made manifest to your mind by his bringing to your notice some works of art? A. Yes; and by his pointing out their beauties.

Q. You do not know how often they had been pointed out to him by connoisseurs? A. No; of course not.

Q. Did you ever enter upon any discussions, independent of books, with Mr. Wallis? A. No; never; not that I remember.

Q. You say that you are considerably addicted to reading. Have you any particular line of studies that you pursue, or is it miscellaneous? A. Well, I have made something of a study of history and literature, what we call the belles-lettres.

Q. Upon either of those subjects, independent of books, have you ever tested Mr. Wallis as to the extent of his information? A. No; that would be an examination. I can simply judge by general impressions.

Q. General impressions formed by conversing with him? A. General impressions by conversations in regard to books.

Q. Then have you had conversations with him independent of books? A. No; my impressions were formed by my asking for some book, and by his suggesting kindred works.

Q. That is to say, that he had other works on the same subject? A. Well, probably that he had other works on the same subject, but the impression conveyed to my mind—and it may be erroneous—was that he had some knowledge of the subject-matter in the books.

Q. You gathered that from the fact that he referred you to books? A. Yes.

Q. You never tested him as to his actual knowledge of such books? A. No.

Mr. HINKSON—Do you remember of ever having had discussions with him in reference to the merits of different authors, and especially of educational authors, and if so, what knowledge did he display, and what judgment, in regard to those authors? A. I do not remember any particular conversations, but the impressions left upon my mind are based on my conversations with him.

Mr. HOLL—We do not want your impressions, but we want the facts which produced them. The impression will be produced upon the minds of the Trustees.

A. I was not there to examine Mr. Wallis, and I made no note of my conversations with him, or of the questions that were asked. I consider myself, and believe I am considered by all who know me, an expert in matters of that kind, if nothing else; and I think if I have an opportunity to talk to a gentleman eight or ten or a dozen



times on literary subjects, I will go away with a very clear and, I believe, an accurate notion of the man's acquirements.

Q. Do you mean now to give your impressions of Mr. Wallis' attainments based on such circumstances as you mention? A. I mean to state that my impressions of Mr. Wallis, from circumstances more or less intimate than I can relate, were that he knew the subject-matter of quite a range of books, and I was surprised particularly to find that he knew it—knew so much about art in the instance which I have related.

Q. Do you remember to have discussed any matters with him except when you asked him for certain books, and desired to consult him? A. I never consulted Mr. Wallis about anything. Our conversations were incidental. Had they been for the purpose of consultation I could, perhaps, relate them.

Q. Was an impression produced upon you to the effect that he is thoroughly up in modern history? A. That I could not say.

Q. Or in ancient history? A. That I could not say.

Q. You have no impression as to the extent of his historical knowledge? A. No, I could not say that I have. If you were to ask me if I considered him well informed, I should say yes.

Q. Upon what? A. Either ancient or modern history. As to the extent of his information I could not say, unless I undertook to examine them. I could ascertain in half an hour.

Q. You have never set yourself about to ascertain? A. No, but he made a favorable impression, and in my mind that is extremely strong.

### TESTIMONY OF DONALD BRUCE.

Called for the defense, sworn.

Mr. J. S. WALLIS—Where do you reside? Answer—In this city and county.

Q. What is your occupation? A. Publisher.

### *Competency and Deportment of Librarian.*

Q. Are you acquainted with Talbot H. Wallis, the State Librarian?

A. Yes.

Q. Have you, during the past three years, had occasion to visit his office either on private matters or public? A. Yes.

Q. What has been the conduct and demeanor of Mr. Wallis towards you when you visited there? A. Always quite satisfactory, and I presume from what little knowledge I have of the office—

Mr. HOLL—Do not presume; state the knowledge that you have.

Mr. J. S. WALLIS—Did he conduct himself in the same manner towards other persons when you were there as he did towards you—gentlemanly and courteous? A. Yes, to the best of my knowledge and belief.



Q. Did you at any time go to the library for the purpose of getting information? A. Yes.

Q. When you sought that information did Mr. Wallis at any time give it to you without reference to books or authorities? A. Well, I think what I wanted more particularly were the proceedings of previous sessions of the Legislature, and I think he gave me some copies of them. I do not know that I required any particular information of him. His action was satisfactory to me. My relation, of course, was not continuous or intimate, but from what I know of Mr. Wallis, I have no criticism.

No cross-examination.

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### TESTIMONY OF CREED HAYMOND.

Called and sworn on behalf of the defense.

Mr. HINKSON—You reside in San Francisco? Answer—Yes.

Q. You are an attorney at law by profession? A. Yes.

Q. What official position have you occupied under the State Government since the year 1871? A. Well, I was Chairman of the Code Commission that drafted the Codes of California, and I served one term in the State Senate.

### *Competency and Deportment of Librarian.*

Q. Did your public and private duties call you to the office of the State Librarian frequently during that period? A. Yes, until within the last two or three years.

Q. Do you know Talbot H. Wallis? A. Yes, I have known him for several years—ever since he has been in the library.

Q. You have had business with him in his official capacity as Librarian, have you? A. Very frequently.

Q. State, if you please, what you know of his qualifications for the duties of that office? A. Well, I hardly know whether I am competent to pass on the qualifications of a State Librarian.

Mr. HOLL—The testimony that is sought is of facts that you know, by coming in contact with Mr. Wallis, going to show his competency. It is not an expression of opinion, but a statement of your knowledge.

A. Well, I have had occasion to use the law department of the library, and also the miscellaneous department, for a great many years past and until the last two or three years, and I always found him entirely familiar with it, and able and willing at all times to produce any books desired; and if I did not know the exact book, but knew the subject, he was always ready, and willing, and able to furnish it, if it was in the library. As far as I know, he is as good a Librarian as the State could have. His manners have always been those of a gentleman, and he has always been willing to accommodate visitors at the library, as well as those who had to use it for information, and without regard to office hours. Since I have been in San Francisco I have on a great many occasions, from necessity,



had to correspond with him as to matters connected with his duties, and I always found him prompt to answer and to afford any information which he could.

Mr. HINKSON—And well informed as to the duties of his office, as far as your experience went? A. As far as I could judge. Of course I know nothing about purchasing books, and scarce know what would make up a library.

Mr. J. S. WALLIS—You would go there frequently to seek information? A. Very frequently in years past.

Q. In doing so would Mr. Wallis display a knowledge of the subject-matter and communicate to you any facts in relation to it, without relation to books and authorities? A. Very frequently. He was in charge of the Law Library for many years there, and I found him very familiar with it.

*Cross-examination.*

Mr. HOLL—That is with the Law Library, or do you include in that the miscellaneous department? A. Of course my inquiries were more particularly directed to the Law Library, but I have had occasion to inquire as to books bearing on legal subjects that were in the miscellaneous library—historical works and histories of jurisprudence, and with those he seemed to be very familiar.

Q. In going to the Law Library, what service did you require and receive from Mr. Wallis, as Librarian? A. Well, often it was simply to ask for a book, and often to inquire as to the state of the decisions upon given subjects at dates subsequent to which the digests were made up, and law periodicals, and the late reports.

Q. As to your inquiries in that direction, what did he do except to furnish you the publications from which you could obtain the information that you sought? A. I found, somewhat to my surprise—because I did not expect it, and was not prejudiced, in the start, in favor of Mr. Wallis—I found, to my surprise, that on all leading topics he was well posted on the decisions.

Q. That is, those of the State Courts? A. Yes; and the English reports.

Q. Did you ever have occasion to call upon him to furnish you information contained in the miscellaneous library? A. No; not to any great extent.

Q. Did you ever, during your acquaintance with him, talk or discuss questions of general knowledge, science, art, or literature with him? A. No; I do not think I have. My life has been a pretty busy one, and when I was there I was generally at work at something that I was more directly called upon to look up, up to the time that I came to San Francisco.

Q. You have then no personal knowledge of his acquirements in miscellaneous learning? A. No; I have not.



STATE LIBRARY, April 3, 1884.

The Board of Trustees met at two P. M., pursuant to call. Present, Trustees Freeman, Belcher, and Johnson; S. Solon Holl, for the prosecution, and Add. C. Hinkson and J. C. Ball, for the defense.

Mr. HOLL—I wish to state to the Board the position that I occupy at present with reference to this case. By looking on page 150 of the printed testimony, which was taken at Sacramento, you will there find that when this matter was last before the Board it was determined at first to hear no farther testimony from Mr. Wallis, upon the ground then stated by Trustee Edgerton, "that the witness has no right to testify in his own behalf, having refused to testify upon such subjects and in answer to such questions as the Board have ruled to be competent." Then, "after a lengthy argument, the question as to whether the witness should be allowed to testify was reserved for the action of the full Board.

"The Board then adjourned to meet at San Francisco at the call of the President, upon notice to counsel on each side of five days."

Afterwards there was a proposition made by the other side, and in pursuance of that certain testimony was taken by deposition at San Francisco before Trustee Johnson. But the Board has never, since the time referred to, been in session or considered this matter. The meeting of the Board contemplated to be held at San Francisco was never held; consequently, the matter which was referred to the full Board, is now, for the first time, in condition to be brought before it for action, although this is not a full meeting. I have drawn up a brief statement of the position that I occupy in regard to it, which I will read:

IN THE MATTER OF THE CHARGES AGAINST TALBOT H. WALLIS,  
STATE LIBRARIAN, FOR INCOMPETENCY.

*To the honorable Board of Trustees of the State Library:*

When this matter was last before the Board, Mr. Wallis was called upon the witness stand, and a course of inquiry entered upon for the purpose of testing the competency of Mr. Wallis to discharge the duties pertaining to his office by a personal examination. A series of questions were thereupon propounded to Mr. Wallis, which questions were, by the Board, decided to be proper, and overruled the objection urged by Mr. Wallis' counsel to this manner of examination. He, however, refused to answer any of the questions. The Board will find these questions on pages 97, 98, and 99 of the printed testimony. It was thereafter decided by the Board that Mr. Wallis could not be heard on his own behalf, because he had refused to answer such proper questions as the Board had decided competent. [See page 150, printed testimony.] Finally, however, it was determined to refer the question, whether Mr. Wallis should be heard on his own behalf, to the full Board, which was to meet at San Francisco at the call of the President of the Board, at five days' notice. The meeting at San Francisco has not been held, nor any other



meeting of the Board, to decide this question. It is, therefore, now before the Board for its determination. And upon the part of the prosecution, we ask that this matter be now considered, and that this Board refuse to hear Mr. Wallis on his own behalf, or consider any testimony produced or to be produced by him until he submits himself to a personal examination of his competency to discharge the duties of State Librarian, and answers such questions as this Board decides to be competent and proper.

If the Board decides that Mr. Wallis shall submit to such a personal examination, we ask, upon the part of the prosecution, that a day be fixed by this Board for such examination, and that the same be held and had before a full Board.

Should the Board determine not to permit the prosecution to prove the incompetency of the Librarian by a personal examination, they decline to pursue the matter any further, but submit the testimony heretofore taken in support of the charges to the honorable Board for their consideration and action.

S. SOLON HOLL,  
Attorney for the Prosecution.

That is the position the prosecution occupies.

The CHAIRMAN—Does the defense desire to proceed with the examination of Mr. Wallis?

Mr. HINKSON—Yes, sir; we desire to ask him a few questions. I will say, in relation to the objection to his testifying that, as the Board will see, that matter was left at the last meeting in the same position as though no ruling had been had. It was determined finally that the matter should be submitted to the Board at its next meeting to rule upon, as to whether or not Mr. Wallis was in contempt. Hence I presume any action the Board previously took would have no weight now in deciding the question. It does seem to me that as this investigation is for the purpose of inquiring into certain charges made against Mr. Wallis—one being as to his competency to discharge the duties of his office—these questions propounded by Judge Holl were entirely foreign to that examination. I cannot perceive their relevancy, nor how, even if Mr. Wallis were not able to answer any one of them, it would be any evidence of his incompetency to manage this library. It seems to me that the matter for the Board to inquire into is as to his competency and his management of the library in a general way. But it will be observed, on an examination of the questions referred to, that several of them go outside of that entirely, and make inquiry as to his knowledge of the character and kind of libraries existing in different counties. Now, I think a librarian might be the most efficient officer imaginable and yet not able to answer any of those questions propounded by Judge Holl; and certainly if they are not material, and Mr. Wallis refused to answer them for that reason, I think the Board ought not to consider that he is in contempt.

Mr. BALL—To that I would add the query, whether legally Mr. Wallis can be deprived of the privilege of testifying as to a fact which has been specified in the charges and brought in evidence



against him; whether he has not the right of vindication? To illustrate more clearly: Suppose a witness is put under a rule and ordered to absent himself from the Court-room during the examination of other witnesses. If he disobeys he is clearly in contempt, and the Court may punish him for that contempt, but he cannot be prevented from testifying. If my memory serves me, the question was brought up in an action for divorce where the Court had made an order for the husband to pay alimony; he neglected or refused to do it, and the Court undertook to punish him by striking out his answer, and allowing him no standing in his own defense; but the Supreme Court held that such a course could not be pursued; that whilst he was clearly in contempt he still had a right to be heard in the matter being litigated. Now, we desire to ask Mr. Wallis one or two questions as to a fact that has been specified in the charges against him and concerning which he can testify. Mr. Hinkson suggests, as Judge Belcher was not here at the time, that Mr. Wallis was called by the prosecution and made a witness by the prosecution when the questions referred to were asked by Judge Holl.

Mr. HOLL—I called him for a personal examination, and those questions were asked; which he refused to answer.

Mr. BALL—His counsel advised him not to answer them.

Trustee BELCHER—How many members of the Board were present when those questions were asked?

Mr. HOLL—Three; Johnson, Edgerton, and Owen.

Mr. BALL—To bring this matter directly to the consideration of the Board, perhaps we had better ask Mr. Wallis the questions we desire to.

Trustee BELCHER—Has the prosecution closed?

The CHAIRMAN—Yes; and the defense has called Mr. Wallis for examination in regard to certain questions.

Trustee BELCHER—I should, myself, regard most of the questions asked by Judge Holl, to which an answer was refused by Mr. Wallis, as entirely objectionable. Whether Mr. Wallis knows the names of libraries of importance in Germany or not; it seems to me is wholly immaterial. And, under the circumstances, I am in favor of overruling the objection.

The question being put, the objection of the prosecution to the defendant testifying further was overruled—Belcher and Freeman voting in the affirmative, Johnson in the negative.

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#### EXAMINATION OF TALBOT H. WALLIS—Resumed.

The CHAIRMAN—The question to the witness is—the objection having been overruled—as found on page 149: “There has been testimony given here in relation to a certain letter received through Wells, Fargo & Co.’s Express, directed to Miss Patton, which Miss Patton claims was not delivered to her at the proper time. Please explain your conduct in relation to that letter?” A. All I know of the Wells, Fargo letter which Miss Patton had reference to,



and concerning which you question me, is this: I had been sick, and one day—I cannot tell the exact date—I came into my private office about ten o'clock in the morning for the purpose of drawing some checks in order to send some money to New York. There was a Wells, Fargo letter lying on my table; who brought by I do not know. It had been the custom to bring the letters there and throw them down on my table, so I thought nothing of it, but went to work at the desk drawing the checks. After I had finished, I left and went home, and the next day being Sunday, did not return until Monday morning, when I went from the main room into my private office and there commenced making out some bills. There had been, it seems, three or four letters left on my table, and that addressed to Miss Patten had been taken by Brown, the porter, as he told me afterwards, and placed upon Miss Patton's table. Miss Patton came in shortly and said: "Did you receive any letter for me here this morning?" I answered: "No; I did not notice any letter for you." She then said: "Did not you lay a letter addressed to me on my table?" I answered that I did not, and questioned Mr. Gunn about it, who said he did not know anything about it. A few minutes afterwards, as I was standing there, Brown came in through the main door, and I said: "Brown, have you seen anything of a letter addressed to Miss Patton?" He replied, "Yes, I laid one on her table this morning." I then turned and said: "Miss Patton, did you hear that? Brown says he placed the letter on your table." She answered: "Mr. Wallis, I will send you to the State Prison for opening my letter," and turned to Mr. Gunn and said, "Will you show me how?" Mr. Gunn said he would have nothing to do with it. I then remarked to Mr. Gunn: "Will you have the kindness to show Miss Patton the procedure whereby she can send me to the penitentiary? You will do me a great favor if you will, as I am very busy this morning, and not very well, and do not wish to be annoyed by or have any further conversation with her." Miss Patton was then about to leave the room, when Frank Freeman came in, and she turned to him and said: "I would just as lief believe that you would open that letter as Mr. Wallis." She then walked out and said no more. That is all that I know about that letter. As to the other letter which she has mentioned, I know nothing of it at all.

Mr. HINKSON—Which other letter? A. The letter by mail which she accused me of breaking open.

Mr. BALL—Have you ever opened any letter addressed to Miss Patton? A. I have not.

Q. Or detained any letter addressed to her? A. No—no letter.

Q. There has been some testimony given in relation to a letter said to have come through Wells, Fargo & Co.'s Express, addressed to R. O. Cravens. Miss Patton has testified that she handed you such a letter, and that you soon afterwards said you had thrown it into the fire. State to the Board if you know anything in relation to that? A. I do not. I do not remember of any letter coming through Wells, Fargo & Co.'s Express being left here for Mr. Cravens. Never that I am aware of did Miss Patton give me a letter in a Wells, Fargo & Co.'s envelope addressed to Mr. Cravens.



Q. Did she ever give you a letter in any envelope addressed to Mr. Cravens? A. No; and I never received any, with the exception of envelopes not sealed inclosing pamphlets, addressed to Mr. Cravens as State Librarian. I have received letters by mail addressed to "R. O. Cravens, State Librarian," relating to library matters, which I have sent to him and he has returned to me; but I am positive that no letter addressed to him, coming through Wells, Fargo & Co.'s Express, was ever delivered to me in this library or ever received by me.

Q. Have you ever received from Miss Patton any letter in any envelope addressed to R. O. Cravens, which you threw into the fire? A. No.

Q. Did you throw any of Mr. Cravens' letters into the fire, or destroy them in any way? A. No; with the exception of some pamphlets which might have come in open envelopes not sealed, directed to him, which I might look at, regard of no consequence, and use to light the fire with.

Q. Simply open pamphlets, which you regarded as of no consequence? A. Yes; opened pamphlets in unsealed envelopes, not a letter. Miss Patton has also stated that I brought Brown into my private office, locked the door, and had a conversation with him, after which he went out and in a few minutes came into the library when I asked him the question I have already related. I desire to say that Brown was not in my private office that morning, locked up with me at all; that the only time he was in the room was when he came in, took the letters and distributed them, and then the door was open, and we had no conversation whatever regarding the letter of Miss Patton until I spoke to him as he came in the main door.

Q. There was no agreement or preconcert between you and Brown that he should make the answer that he did make? A. No.

The CHAIRMAN—Any cross-examination?

Mr. HOLL—No, sir. I have defined the position of the prosecution.

Trustee JOHNSON—I would like to ask Mr. Wallis one question. Did you tell Miss Patton you opened the letter to her? A. No.

Mr. HOLL—Any questions by any member of the Board?

None of the Trustees desiring to ask any, the defense announced their case closed.

The CHAIRMAN—Any farther testimony by the prosecution?

Mr. HOLL—I have stated the position of the prosecution.

Mr. BALL—I may state to the Board that we were prepared with some other testimony, which we might, under some circumstances, have introduced, but as the gentleman preferring the charges and the lady seeming to have some interest in them, have united their destinies and gone in peace, we have nothing farther to offer.

The CHAIRMAN—Do you desire to argue the case?

Mr. HOLL—Not on our side.

Mr. HINKSON—I have taken quite an interest in this matter as attorney for the Librarian, for several reasons; and I had expected to say something to the Board at the conclusion of the case. I had hoped that Mr. Owen would be here in person; and were he here I



certainly should have something to say to the Board with reference to him. But he is not, and I am not one of those who will attack a man behind his back. I do say this, however, with all due respect to every member of this Board: that I think the conduct of Mr. Owen in this matter has been simply infamous; and I am perfectly willing to go on the record as having made that statement.

Trustee BELCHER—I would not repeat it.

Mr. HINKSON—I shall not repeat it; but I had hoped, as I have said, that Mr. Owen would be here, for I would then at some length have attempted to analyze this matter, and especially his motives, as they suggest themselves to me.

Trustee BELCHER—So far as Mr. Owen is concerned, we are not trying him, and do not want to hear any remarks about him, and should not were he here.

Mr. HINKSON—Allow me to suggest this: that inasmuch as he has preferred these charges, if it were shown to the Board, to its satisfaction, that it was done through mercenary motives, it would be pertinent, and the Board might properly take cognizance of it.

Mr. HOLL—There is certainly no such evidence, and I think it is improper to make any such statements.

Mr. BALL—We have offered no evidence on that point, and do not choose to.

The CHAIRMAN—Do I understand that the prosecution is willing to submit the case without argument?

Mr. HOLL—Yes, sir.

The CHAIRMAN—Then we do not desire to hear from the defense.

Mr. HOLL—I would suggest, as Trustee Edgerton was present during the taking of the testimony, that the matter be not decided by the Board until he can be present.

Trustee BELCHER—I suggest that it be taken under advisement.

So ordered; and, on motion, the Board took a recess until seven o'clock and thirty minutes P. M.

At seven o'clock and thirty minutes P. M. the Board met pursuant to adjournment; Messrs. Edgerton, Freeman, Belcher, and Johnson being present.

On motion of Mr. Edgerton, seconded by Mr. Johnson, the Board unanimously resolved to acquit the Librarian on all the charges preferred against him.

On motion, the Board adjourned.

C. E. GUNN, Secretary pro tem.



## MINUTES RELATING TO THE INVESTIGATION.

STATE LIBRARY, SACRAMENTO, }  
 July 26, 1883. }

Board met at one o'clock and ten minutes P. M., pursuant to the call of the Secretary.

Members present: Freeman, Edgerton, and Owen.

President of the Board, A. C. Freeman, in the chair.

Mr. Owen moved, that as Judge Belcher was absent, the Board adjourn for two weeks, to meet at the call of the President, to consider the request of the Librarian to Miss Patton to resign her position as deputy.

Motion seconded by Mr. Edgerton.

In the general discussion which ensued, it was determined by a majority of the members present, that the Board could take no action in the matter, as it was beyond their power, and wholly within the province of the Librarian, and the motion was not put.

Mr. Edgerton moved that Miss Patton be permitted to appear before the Board and make any statement she desired in regard to the performance of her duties as Deputy Librarian.

Seconded by Mr. Owen.

Motion being put, it was declared carried; Messrs. Edgerton and Owen voting in the affirmative, and Mr. Freeman in the negative.

Miss Patton appeared, but there being no quorum present, she retired without making any statement.

Quorum again present.

Mr. Owen proceeded to read several personal letters commendatory of Miss Patton, but claimed them as personal, and declined to file them.

Mr. Freeman stated, if there was no more business to be transacted a motion to adjourn would be in order.

Mr. Wallis then stated to the Board that at twelve o'clock and thirty minutes P. M. Mr. Owen had come to him in his private office, and read to him certain charges against him (Wallis), signed by Mr. Owen. Mr. Wallis asked that the charges be filed.

Mr. Freeman moved that the charges be read and filed, seconded by Mr. Edgerton.

Mr. Owen said "he had no desire to present any charges."

The motion being put, it was carried: Messrs. Freeman and Edgerton voting in the affirmative; Mr. Owen not voting.

Mr. Owen then said: "Mr. Wallis, I have no more desire to press this matter than you have to have it pressed. You had better reconsider your action, and I will withdraw the charges."

Mr. Wallis declared that they involved his honor, refused to reconsider, and demanded an investigation.

Mr. Edgerton moved that the Board meet on Monday, August 13, 1883, at the call of the Chairman, to investigate the charges made by Mr. Owen against the Librarian (Wallis), which being put was carried.

On motion, the Board adjourned.

T. H. WALLIS, Secretary.



STATE LIBRARY, SACRAMENTO, }  
August 13, 1883. }

The Board of Trustees met pursuant to adjournment. Messrs. Freeman, Edgerton, Belcher, and Owen being present. The minutes of the previous meeting were read by the Secretary pro tem., C. E. Gunn.

Mr. Edgerton moved to strike out all after the word "Owen," on line eight, page one hundred and forty-five, down to and including the word "forever," on line fifteen of the same page, as the same did not properly belong to the minutes of the previous meeting. Carried. Minutes approved as corrected.

Mr. Edgerton then introduced Hon. Matt. F. Johnson, who had been appointed to take the place of Hon. W. W. Crane, Jr., deceased member of the Board. His credentials were duly acknowledged, and he was permitted to take a seat in the Board as a member thereof.

Judge S. S. Holl appeared before the Board, and stated that he desired to appear as counsel for Miss Patton, in the matter of the charges preferred by J. J. Owen against State Librarian T. H. Wallis.

On motion of Mr. Edgerton, it was ordered that he be permitted to appear as counsel for the prosecution in the matter.

Messrs. Johnson, Hinkson, Ball, and J. S. Wallis were permitted to appear as counsel for the defense.

The Secretary then read the charges against Mr. Wallis as originally filed by J. J. Owen.

Mr. Holl asked to see the charges, which was allowed.

Mr. G. L. Johnson, on behalf of Mr. Wallis, read the following paper, and asked the same be filed, which was so ordered by the Board:

*Before the Board of Trustees of the California State Library, State of California, County of Sacramento, and City of Sacramento.*

IN THE MATTER OF THE CHARGES AGAINST STATE LIBRARIAN  
TALBOT H. WALLIS, PREFERRED BY HON. J. J. OWEN, TRUSTEE.

# I.

Now comes Talbot H. Wallis and says:

That the first charge, and the three specifications thereof, filed against him with the Hon. Board of Trustees, is demurable on the following grounds, to wit:

*First*—That said charge and specifications do not state facts sufficient to constitute a cause of action or dismissal against him.

*Second*—That the said charge with the specifications is ambiguous, unintelligible, and uncertain, in this: that the time and circumstances of the acts alleged and complained of, are not set forth therein, and it does not appear that said acts have been committed during his, said Wallis', term of office as Librarian, or within the office hours; nor are they, or either of them, set forth with sufficient particularity to enable him to make any defense thereto.



## II.

That the second of said charges, and the two specifications thereof, is demurable upon the grounds following, to wit:

*First*—That the same is ambiguous, unintelligible, and uncertain, in this:

(a) That it does not appear therefrom that the receiving, retaining, or destroying the letters, alleged in said charge to have been received, retained, and destroyed, was unlawful, or without authority.

(b) That the time, place, and circumstances, of such receiving, retention, and destruction, of letters, and the name or names of the persons by whom said letters were written, and the name or names of the person or persons to whom said letters were directed, are not set forth so as to enable him to answer the same.

(c) That there is not set forth therein the particulars of time, place, and circumstances, and in what matters and things he, the said Wallis, has been untruthful, or wanting in proper dignity of deportment, or incompetent or unfit to discharge the responsible duties of State Librarian, so as to enable him to answer the same.

But not being desirous of throwing any impediment in the way of a speedy and thorough investigation of said charges and specifications, he, the said Wallis, hereby waives all of said objections and his right of demurrer, and now invites such speedy and thorough investigation.

GROVE L. JOHNSON,  
ADD. C. HINKSON,  
J. C. BALL,  
J. S. WALLIS,

Attorneys for Talbot H. Wallis.

Mr. Holl asked to amend the charges particularly by inserting the words "and opening" in the first specification of the second charge.

Whereupon Mr. Edgerton moved that Mr. Holl have leave to amend the charges against Mr. Wallis, and to serve a copy of the same as amended within five days, and that Mr. Wallis have leave to answer the same and serve a copy of such answer within five days thereafter, and that further consideration of the charges be postponed till Tuesday, September 4, 1883, at one o'clock P. M.

Carried.

Mr. Owen moved that the Board request the attendance of the following persons on the fourth day of September, 1883: R. O. Cravens, B. D. Murphy, E. K. Dunlap, S. P. Maslin, R. M. Clarken, Mr. Metcalf, and such other persons as may be notified by counsel, five days prior to September fourth.

Carried.

Mr. Edgerton moved that W. J. Davis be requested to act as official reporter in the matter of the investigation of the charges against Mr. Wallis.

Carried.

C. E. GUNN, Secretary pro tem.



STATE LIBRARY, SACRAMENTO, CAL., }  
September 4, 1883. }

Board of Trustees met pursuant to adjournment, A. C. Freeman in the chair. Members present—Messrs. Freeman, Edgerton, Owen, and Johnson—Judge Belcher being absent employed in a case in the United States Circuit Court at San Francisco.

Judge Holl inquired of the Board whether the statute requiring a unanimous vote to remove the Librarian would be construed to mean the unanimous vote of all the members of the Board, or the unanimous vote of those present at any regular meeting. The Chairman informed Mr. Holl that, in his judgment, the unanimous vote of the whole Board would be necessary.

It was stipulated on the part of the attorneys for the prosecution and defense that the testimony in the matter of the investigation might be heard in the absence of Judge Belcher; that the testimony be submitted to him, and that his vote in the matter might be had at the determination.

Mr. Owen offered the following resolution and moved its adoption: *Resolved*, That the proceedings of this investigation be phonographically reported by Mr. Davis, at such per diem as may be agreed upon between Mr. Davis and the Board of Trustees, the same to be paid out of the State Library Fund; provided, the Board have the authority to pay out said fund for said purposes.

The roll being called, the following vote was had:

AYES—Messrs. Edgerton, Johnson, and Owen.

No—Mr. Freeman.

And the motion was declared carried.

Mr. Owen moved to strike out all the second part of the answer, marked II. The roll being called, the following vote was had:

AYES—Messrs. Edgerton, Johnson, and Owen.

No—Mr. Freeman.

Matter ordered stricken out of the answer.

On motion, Board adjourned to September 5, 1883, at nine o'clock A. M.

C. E. GUNN, Secretary pro tem.

STATE LIBRARY, SACRAMENTO, CAL., }  
September 5, 1883. }

Board of Trustees met pursuant to adjournment; Messrs. Edgerton, Owen, and Johnson present.

On the part of the attorneys for the prosecution and the defense, it was stipulated that testimony in the matter of the investigation might be had in the absence of Trustee Freeman, and that it might be submitted to him, and that his vote might be had at the final determination of the matter.

At nine o'clock and twenty minutes, Board adjourned to September sixth, at nine o'clock A. M.

C. E. GUNN, Secretary pro tem.



STATE LIBRARY, SACRAMENTO, }  
 September 6, 1883. }

Board met pursuant to adjournment.

Matter of investigation of State Librarian Wallis taken up.

Mr. Holl stated that inasmuch as Mr. Wallis had refused to answer certain questions propounded the evening previous, he would close the prosecution.

On motion, it was ordered that the reporter write up the testimony thus far given, and that he give the same into the hands of the Secretary pro tem., C. E. Gunn.

On motion, the Secretary was ordered to have printed two hundred and fifty copies of the testimony, to be delivered to the State Library, and that he attend to the correction of the proof.

On motion, the Secretary pro tem. was directed to correspond with Trustee I. S. Belcher, to ascertain at what time it would be most convenient for him to attend a meeting of the Board between this date and the twentieth instant.

On motion, it was ordered that when the date of the next meeting of the Board was ascertained, the Secretary give to each of counsel five days' notice thereof.

On motion, Board adjourned to meet at call of Chairman.

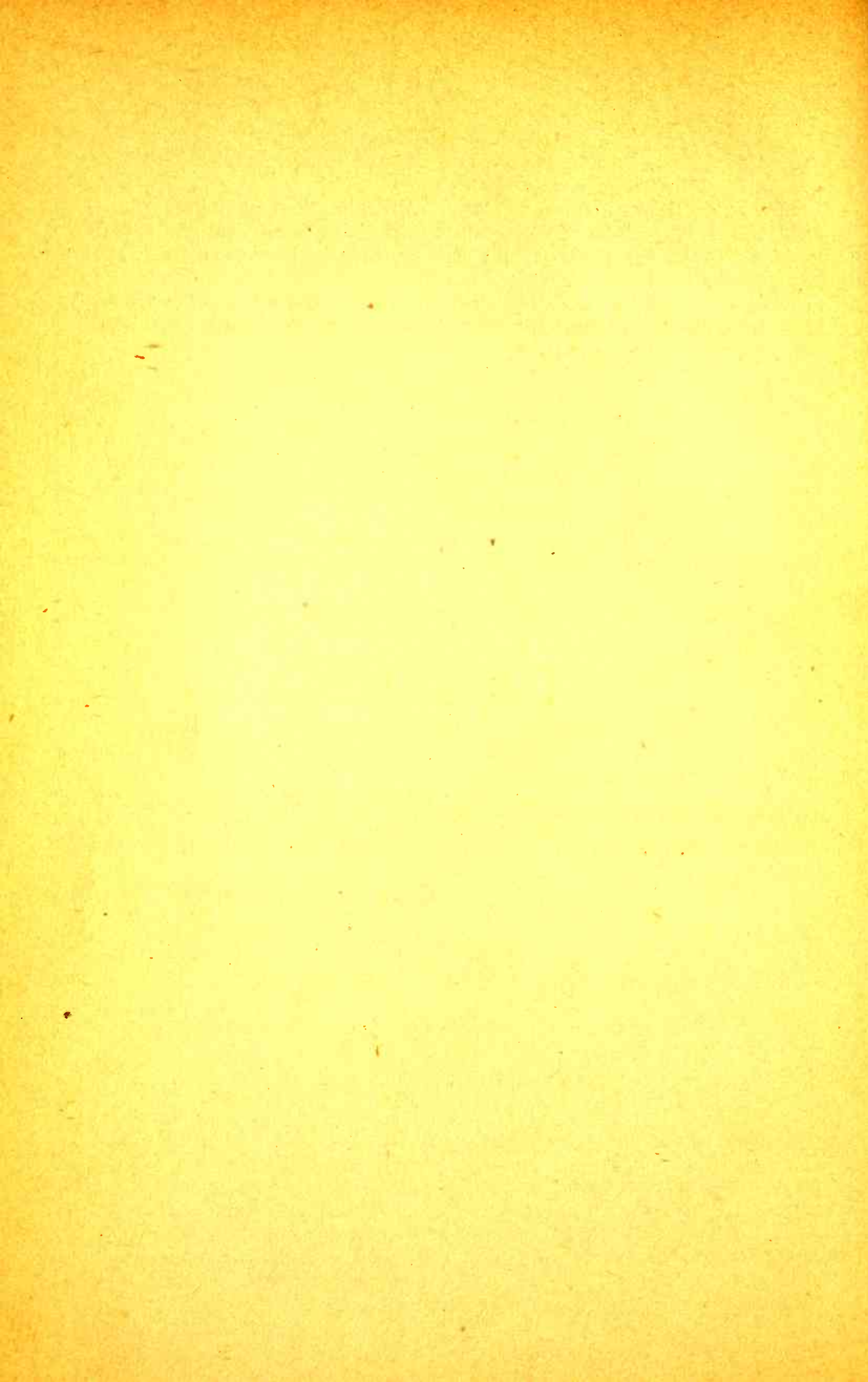
C. E. GUNN.

NOTE.—The minutes of further meetings of the Board in the matter of the investigation will be found incorporated in the testimony beginning at page 150.

A meeting for the further consideration of the charges against Mr. Wallis was called for the thirty-first day of January, 1883, but a continuation for the period of two months was had at the request of Mr. Owen.

C. E. GUNN, Secretary pro tem.





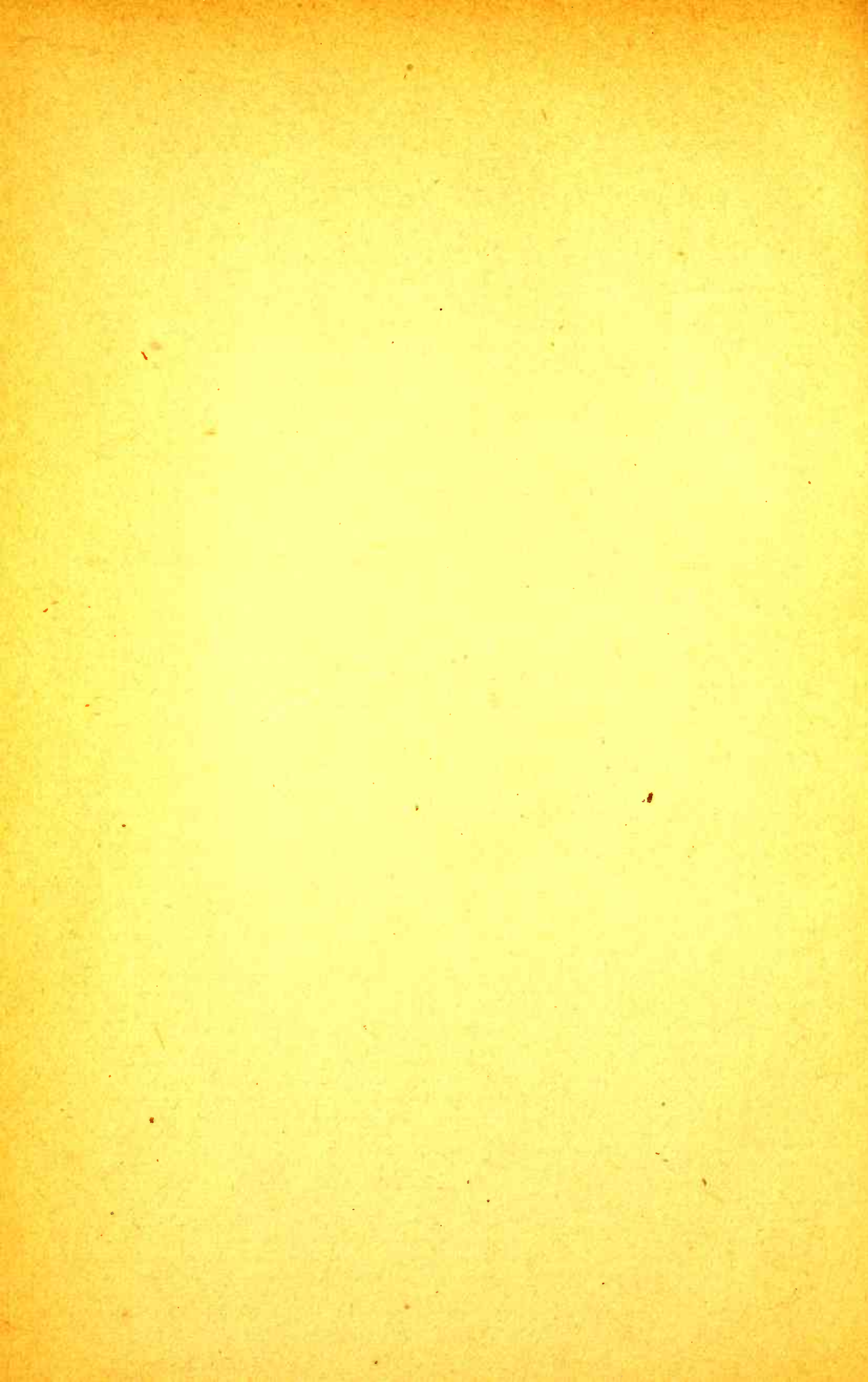


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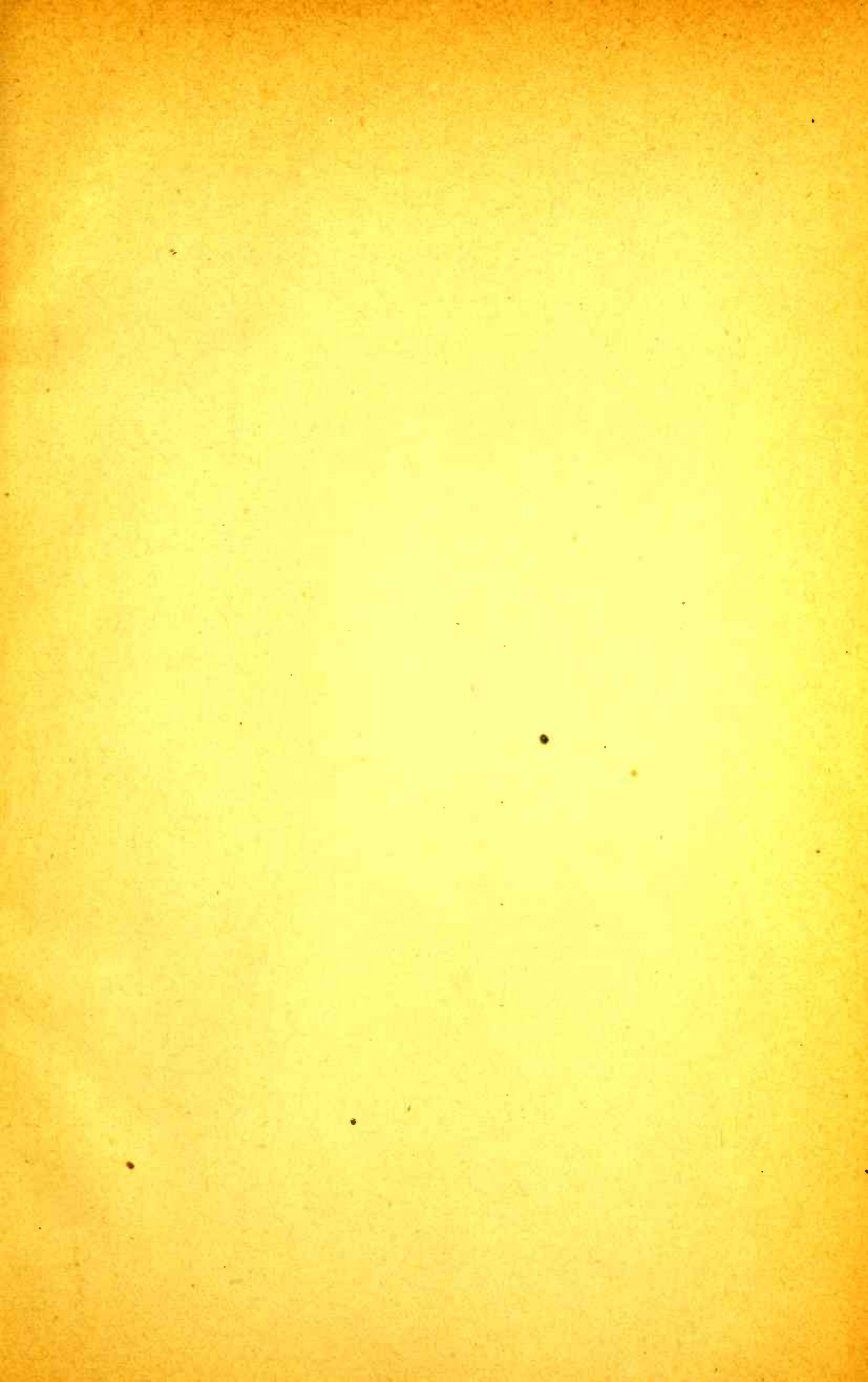




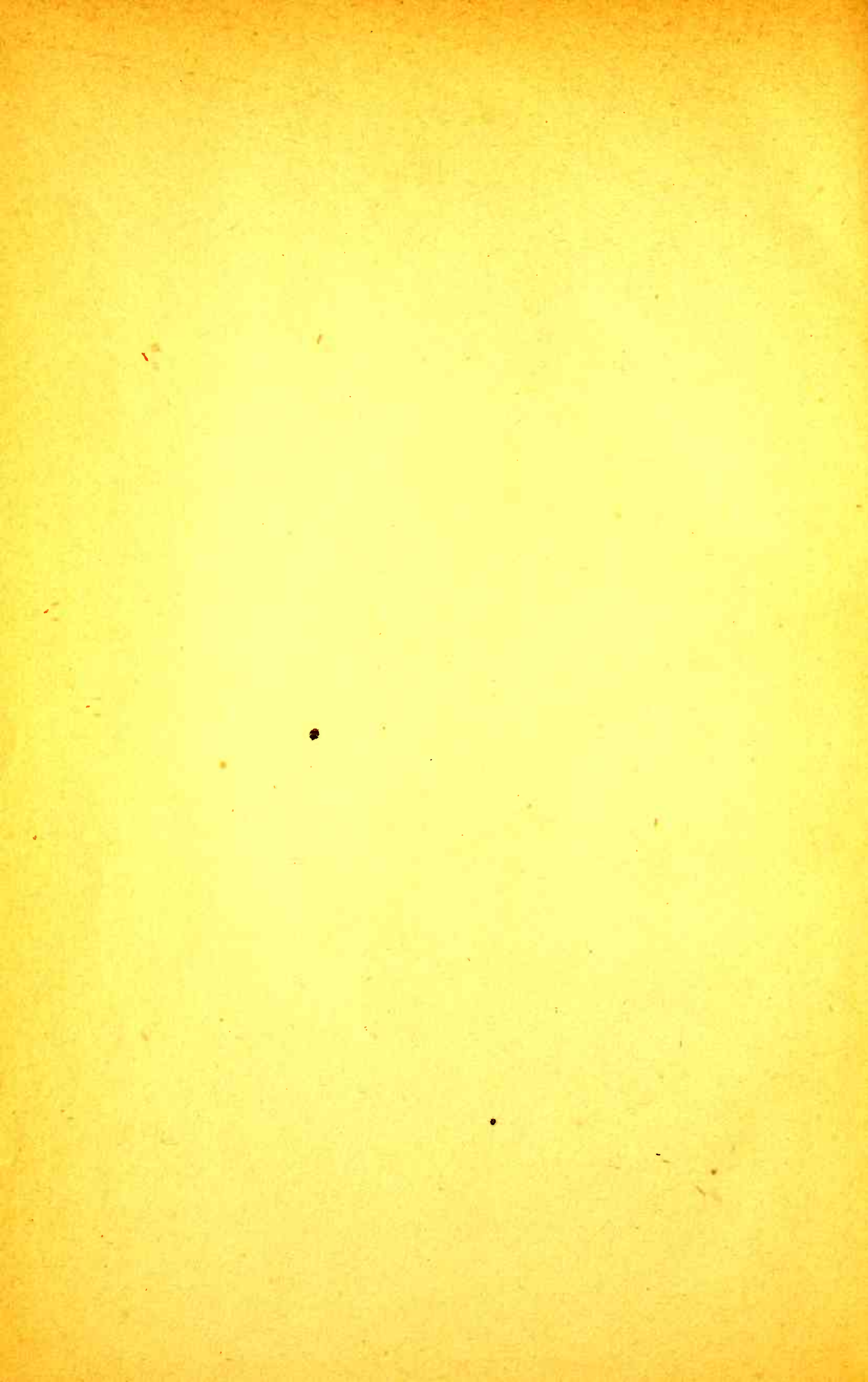


























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